CGHC010337252026 2026:CGHC:43458

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 8564 of 2026

1 - Rakesh Nishad S/o Shri Janak Lal Nishad Aged About 46 Years R/o Ward No. 22, Near Satnam Bhawan, In Front Of J.D. Office, Dalli Rajhara, Police Station Rajhara, Distt. Balod, Chhattisgarh. **... Applicant(s)**

versus

1 - State Of Chhattisgarh Through The Station House Officer, Police Station Rajhara, Distt. Balod, Chhattisgarh. **... Respondent(s)**

For Applicant (s)	:	Mr. Syed Mohammad Sohail Afzal, Advocate
For Respondent(s)/State	:	Ms. Smriti Shrivastava, P.L.

Hon'ble Mr. Justice Rakesh Mohan Pandey

Order on Board

07.10.2026

1. The applicant has preferred this First Bail Application under Section 483 of the BNSS, 2023 for grant of regular bail, as he has been arrested in connection with Crime No. 113/2026, registered at Police Station Rajhara, District Balod (C.G.) for the offence punishable under Sections 296, 351(3) 115(2) and 118(1) of BNS.

2. The case of the prosecution, in brief, is that the wife of the applicant lodged an FIR on 20.05.2026, alleging therein that on the date of the incident, i.e., 20.05.2026, the present applicant assaulted her with hands and fists and a wooden club and also abused her, as he was

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suspicious of her character. The victim sustained injuries to her head, arm, thigh, back, mouth and teeth, and also sustained a fracture of her left forearm. The FIR was lodged against the applicant by the father of the victim, pursuant to which the offences, as stated above, were registered against him.

3. Learned counsel appearing for the applicant would submit that there was a normal quarrel between the husband and wife and accidentally his wife fell down and sustained injuries. He further submits that though there were five criminal antecedents against the present applicant, all have been disposed of. He also submits that the charge-sheet has already been filed and the applicant is in jail since 20.05.2026. He, therefore, prays for grant of bail to the applicant.

4. On the other hand, learned State Counsel would oppose the bail application and submit that the present applicant assaulted his wife using a wooden club, hands and fists. He would further submit that the injured sustained a fracture injury on her left forearm and contusion on the parietal region. Therefore, the application moved by the applicant for grant of bail may be rejected.

5. I have heard the learned counsel for the parties and perused the case diary.

6. Taking into consideration the facts and circumstances of the case, and particularly considering the fact that at present there are no criminal antecedents against the present applicant, and also considering the fact that there was a dispute between the husband and wife, as well as the fact that the applicant is in custody since 20.05.2026, the charge-

sheet has already been filed, and the conclusion of the trial is likely to take some time, I am inclined to grant bail to the present applicant. Accordingly, the bail application is **allowed**.

7. Let applicant be released on bail on furnishing a personal bond of Rs. 50,000/- with one surety in the like sum to the satisfaction of the court concerned with the following conditions:-

(i) The applicant shall file an undertaking to the effect that he shall not seek any adjournment on the dates fixed for evidence when the witnesses are present in court. In case of default of this condition, it shall be open for the trial court to treat it as abuse of liberty of bail and pass orders in accordance with law.

(ii) The applicant shall remain present before the trial court on each date fixed, either personally or through his counsel. In case of his absence, without sufficient cause, the trial court may proceed against him under Section 269 of Bharatiya Nyaya Sanhita.

(iii) In case, the applicant misuses the liberty of bail during trial and in order to secure his presence, proclamation under Section 84 of BNSS is issued and the applicant fails to appear before the court on the date fixed in such proclamation, then, the trial court shall initiate proceedings against him, in accordance with law, under Section 209 of the Bharatiya Nyaya Sanhita.

(iv) The applicant shall remain present, in person, before the trial court on the dates fixed for (i) opening of the case, (ii) framing of charge and (iii) recording of statement under Section 351 of BNSS. If in the opinion of the trial court absence of the applicant is deliberate or without sufficient cause, then it shall be open for the trial court to treat such default as abuse of liberty of bail and proceed against him in accordance with law.

Sd/-
(Rakesh Mohan Pandey)
Judge

Jyoti