SIDDHANT TAMRAKAR
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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CRA No. 1107 of 2026

- Ajay Gendre @ Sonu S/o Basant Gendre Aged About 29 Years R/o - Dhangaon P.S. City, Kotwali, Balod- District -Balodabazar Bhatapara C.G.

--- Appellant

versus

- State Of Chhattisgarh Through, The Station House Officer, Police Station City, Kotwali Balodabazar District- Balodabazar Bhatapra C.G. (As Per Fir And Final Report)

--- Respondent

CRA No. 2469 of 2026

1. Chudamani Sahu @ Ajay Sahu S/o Birendra Sahu Aged About 25 Years R/o Village Khatiapati, Police Station City Kotwali Balodabazar, District Balodabazar-Bhatapara, (C.G.)
2. Rahul Sahu S/o Tijauram Sahu Aged About 20 Years R/o Village Khatiapati, Police Station City Kotwali Balodabazar, District Balodabazar-Bhatapara, (C.G.) (Complete Particulars Of The Appellants Not Mentioned In The Impugned Order Though Obtained From The Charge Sheet And The Deponents)

---Appellant(s)

Versus

- State Of Chhattisgarh Through The S.H.O., Police Station City Kotwali Balodabazar, District Balodabazar - Bhatapara, (C.G.) (Prosecution)

--- Respondent

For Respective Appellants : Mr. Satya Prakash Verma and Mr. Akash Shrivastava, Advocate
For State : Ms. Priya Sharma, Panel Lawyer

Hon'ble Shri Justice Rakesh Mohan Pandey

Order on Board

05.10.2026

CRA No. 1107 of 2026

1. The appellant has preferred this Criminal Appeal under Section 14-A(2) of the SC/ST (Prevention of Atrocities) Act, 1989 for setting aside of order dated 05.02.2026 passed by the learned Special Judge (Atrocities), Balodabazar and for grant of bail to the appellant who has been arrested in connection with Crime No. 1009/2025, registered at Police Station- City Kotwali, Balodabazar District Balodabazar-Bhatapara (C.G.) for the offence punishable under Sections 103(1), 109(1), 3(5), 61, 191(2), 191(3), 190 of BNS, Sections 25, 27 of Arms Act and Section 3(2)(v) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989(for short "Act of 1989").

CRA No. 2469 of 2026

2. The appellants have preferred this Criminal Appeal under Section 14-A(2) of the SC/ST (Prevention of Atrocities) Act, 1989 for setting aside of order dated 31.08.2026 passed by the learned Special Judge (Atrocities), Balodabazar and for grant of bail to the appellants who have been arrested in connection with Crime No. 1009/2025, registered at Police Station- City Kotwali, Balodabazar District Balodabazar-Bhatapara (C.G.) for the offence punishable under Sections 103(1), 109(1), 3(5), 61(2), 191(2), 191(3) of BNS, Sections 25, 27 of Arms Act and Section 3(2)(v) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989(for short "Act of 1989").

3. The case of the prosecution, in brief, is that on 17.10.2025 at around 23.00 hours, Kartik Shayar lodged a Dehati Merg Intimation before Police Station City Kotwali, Balodabazar, stating that on the same day at around 19.45 hours, due to previous enmity, the accused Yogesh Sen and his companions assaulted and killed the deceased Harish Shayar @ Bhaka, brother of the informant, with a knife. An FIR was lodged against the appellants for the offence as stated above.

4. Mr. Satya Prakash Verma, counsel appearing for the appellant(CRA No. 1107 of 2026) would submit that the appellant has falsely been implicated. He would contend that his name does not find place in the Dehati Merg Intimation and he neither assaulted nor caused any injury to the deceased. He would further submit that no weapon or incriminating article has been seized from possession of the appellant, charge-sheet has been filed and co-accused Janiram Bhardwaj and Maniram Bhardwaj have already been granted bail on similar allegations by the learned Special Court. He would submit that the appellant is in jail since 23.10.2025 and the trial is likely to take some time. He would pray for grant of bail.

5. Mr. Akash Shrivastava, counsel for the appellants(CRA No. 2469 of 2026) would submit that the fatal injury to deceased Harish Shayar @ Bhaka is specifically attributed to co-accused Yogesh Sen, whereas the allegations against the present appellants are confined to causing injuries to other persons. He would further submit that the charge-sheet has been filed, a cross-FIR has also been registered from side of the appellants,

and they are in jail since 23.10.2025. He would contend that the trial is likely to take some time. He would pray for grant of bail to the appellants.

6. On the other hand, learned counsel for the State would oppose. He would submit that the allegations against the present appellants are serious in nature. She would further submit that the eye witnesses, namely, Sahil Sair, Deep Kurre and Bisahu Das, have specifically named the present appellants in their statements recorded under Section 180 of the BNSS. She would contend that the statements of the eye witnesses *prima facie* establish the involvement of the present appellants in the alleged incident. She would submit that both the appeals deserve to be dismissed.

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

8. Having considered the submissions of learned counsel for the parties and material available on record and the fact that the eyewitnesses, namely, Sahil Sair, Deep Kurre and Bisahu Das, have specifically named the present appellants in their statements recorded under Section 180 of the BNSS. Though the fatal injury to deceased Harish Shayar @ Bhaka is attributed to co-accused Yogesh Sen, the present appellants are also alleged to have assaulted the injured persons. Further, the gravity and seriousness of the offence cannot be lost sight of, as in the alleged occurrence, Harish Shayar @ Bhaka has lost his life.

9. Considering the nature and gravity of the offence, the statements of the eyewitnesses and specific role attributed to the present appellants, I am

not inclined to grant bail to the appellants.

10. Accordingly, both the Criminal Appeals are hereby **dismissed**.

Sd/-
(Rakesh Mohan Pandey)
JUDGE

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