CGHC010374602026 2026:CGHC:47342

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CRA No. 2550 of 2026

Santosh Kumar Sahu S/o Ram Lal Sahu, Aged About 52 Years R/o Village Kirrit, Police Station, Nawagarh, District Janjgir-Champa (C.G.)

... Appellant

versus

State Of Chhattisgarh Through Police Station Nawagarh, District Janjgir-Champa (C.G.) **... Non-Applicant**

Digitally signed by ALLENA ANJANI KUMAR
Date: 2026.11.18 15:31:48 +0530

For Appellant	: Shri Uday Singh Bhadoriya, Advocate.
For Non-applicant/State	: Shri Jitendra Shrivastava, Government Advocate.

(HON'BLE SHRI JUSTICE RAKESH MOHAN PANDEY)

Order on Board

17/11/2026

1. The complainant/victim appeared virtual mode and has raised serious objection in releasing the appellant on bail.

2. The instant criminal appeal filed by the appellant under Section 14A(II) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 (for short, the Act, 1989) is for grant of regular bail to him, who has been arrested in connection with Crime No.208/2026 registered at Police Station Nawagarh, District Janjgir-Champa (C.G.), for the offence punishable under Section 109 of BNS and Section 3(2)(v) of the Act, 1989.

3. As per the case of the prosecution, on 14.07.2026, the complainant Rajan Patre was present on the place of occurrence and subsequently an altercation ensued between the complainant and the appellant. It is also alleged that the complainant was Sarpanch of the village and notices were issued to the appellant herein to remove encroach. The appellant herein assaulted the complainant with a spade on his head. On such report/complaint, the police registered the offences, as stated above.

4. By order dated 17.08.2026 passed by the learned Special Judge in Criminal Case No. Bail Petition/817/2026, the bail application filed by the appellant has been rejected against which the appellant has filed this appeal.

5. Learned counsel for the appellant would contend that the incident took place on a sudden provocation; there was no premeditation; injuries sustained by the complainant are not grievous in nature and life threatening; charge-sheet has been filed. He would submit that the appellant is in jail since 15.07.2026 and the trial is likely to take some considerable time, therefore, learned counsel for the appellant would pray that the instant appeal may be allowed and enlarge the appellant on bail.

6. On the other hand, learned counsel for the State would oppose the submissions of the learned counsel for the appellant. He would submit that the present appellant, knowing very well that the victim/complainant belongs to a particular category, inflicted injury using a deadly weapon, i.e., spade and caused injuries on his head. He would fairly submit that as per CT scan report, no bony injury was found. He would contend that looking to the manner in which the

offence was committed and the injuries sustained by the injured, this appeal deserves to be dismissed.

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

8. As per Section 3(2)(v) of the Act, 1989, the prosecution has to establish that the accused knowing the fact that such person is a member of the scheduled caste or scheduled tribe community commits any offence would be punished with imprisonment for life with fine. In the present case, there is no allegation that appellant committed offence knowing his social status either in the F.I.R. or in the statement recorded under Section 180 of BNSS. Further, the injuries sustained by the complainant were not life threatening and according to medical report, no bony injury was detected; charge-sheet has been filed; appellant is in jail since 15.07.2026 and he has no criminal antecedents and that trial may take some time for its conclusion.

9. Having considered the above facts, without commenting any merits of the matter, I am inclined to grant bail to the appellant. Accordingly, the instant appeal is **allowed** and the order dated 17.08.2026 passed by the learned Special Judge in Criminal Case No. Bail Petition/817/2026 is set aside.

10. It is directed that the appellant shall be released on bail on his furnishing a personal bond in sum of Rs.50,000/- with one surety in the like sum to the satisfaction of the Court concerned with the following conditions:-

> (i) he shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such fact to the Court;

(ii) he shall not act in any manner which will be prejudicial to fair and expeditious trial, &

(iii) he shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

11. The observation made herein above is for the purpose of deciding this bail application only and the trial Court shall decide the case on its own merits.

Sd/-

(Rakesh Mohan Pandey)

JUDGE

Anjani