CGHC010375472026 2026:CGHC:46267

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CRA No. 2467 of 2026

1 - Mohan Yadav S/o Hiradhar Yadav Aged About 35 Years R/o Sapda Katharpara, P.S. Dhourpur District Surguja Chhattisgarh.

… Appellant

versus

1 - State Of Chhattisgarh Through Station House Officer, Police Station Dhourpur District Surguja Chhattisgarh.

... Respondent

For Applicant	:	Mr. Nishikant Sinha, Advocate
For Non-applicant /State	:	Mr. Keshav Gupta, G.A.

Hon'ble Shri Justice Rakesh Mohan Pandey

Judgment on Board

02/11/2026

1. The appellant has preferred this Criminal Appeal under Section 14-A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (in short "the SC/ST Act") for setting aside of order dated 17/09/2026 passed by the Special

Judge SC/ST Act (Atrocities), Surguja, Ambikapur (C.G.) in Special Sessions Case No. 33/2026 whereby the regular bail application filed by the appellant under Section 483 of BNSS in connection with Crime No. 33/2026 registered at Police Station Dhourpur, District Surguja (C.G.) for commission of offence punishable under Sections 296, 351(3), 115(2), 3(5), 126(2), 324(1), 117(2) of BNS and Sections 3(1)(R), 3(1)(S) and 3(2)(v-a) of the SC/ST (Prevention of Atrocities) Act, 1989.

2. Case of the prosecution, in brief, is that the complainant Parmeshwar Paikra, who happens to be a member of Janpad Panchayat, lodged a report on 18/05/2026 to the effect that while he was trying to stop construction of bridge, appellant and other co-accused persons abused him in the name of his caste and assaulted him with a wooden plank. On such complaint, FIR was registered against the appellant and other accused persons for commission of offence punishable under Sections 296, 351(3), 115(2), 3(5), 126(2), 324(1), 117(2) of BNS and subsequently, at the time of filing of the charge-sheet, Sections 3(1)(R), 3(1)(S) and 3(2)(v-a) of the Act of 1989 were also added.

3. Mr. Nishikant Sinha, learned counsel appearing for the appellant, would contend that complainant, who is a member of Janpad Panchayat, stopped the work of construction of bridge which was being carried out by the appellant which resulted in a scuffle between the parties but the allegation with regard to use of filthy language in the name of complainant’s caste is absolutely false.

He would further contend that the injuries suffered by the complainant are also simple in nature; there is no previous criminal antecedent of the appellant, charge-sheet has already been filed and the appellant is in jail since 17/09/2026 and since conclusion of trial is likely to take considerable time, therefore, the appellant may be released on bail.

4. On the other hand, Mr. Keshav Gupta, learned counsel appearing for the non-applicant/State, opposes the criminal appeal and submits that the appellant herein abused the complainant in the name of his caste and assaulted him by using wooden plank. He would further contend that complainant sustained injuries on his head which were grievous in nature, therefore, this bail application is liable to be rejected.

5. I have heard learned counsel for the parties, perused the case diary and went through the material available on record.

6. Having considered the fact that on 18/05/2026, when the FIR was lodged, offence punishable under Sections 3(1)(R), 3(1)(S) and 3(2)(v-a) of the Act of 1989 were not added rather those sections were inserted at the time of filing of the charge-sheet and further considering that charge-sheet has been filed and appellant is in jail since 17/09/2026 and conclusion of trial will likely take some time, without expressing any opinion on the merits of the case, this Court finds it appropriate to grant bail to the appellant.

7. Accordingly, the instant appeal is **allowed** and the order dated 17/09/2026, passed by the learned Special Judge, SC/ST Act

(Atrocities), Surguja, Ambikapur is hereby **set-aside**. The **Appellant – Mohan Yadav** be released on bail on furnishing personal bond with two sureties in the like sum to the satisfaction of the Court concerned with the following conditions:-

(i) The appellant 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 appellant 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 his under Section 269 of Bharatiya Nyaya Sanhita;

(iii) In case, the appellant misuses the liberty of bail during trial and in order to secure his presence, proclamation under Section 84 of BNSS. is issued and the appellant 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 appellant 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 appellant 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.

8. However, this Court hopes and trust that the trial Court should make an earnest endeavour to conclude the trial as expeditiously as possible.

9. Office is directed to send a certified copy of this order to the trial Court concerned for necessary information and compliance.

Sd/-

(Rakesh Mohan Pandey)

JUDGE

Harneet