CGHC010383422026 2026:CGHC:45162

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 9404 of 2026

Dhaneshwar Kumar Dhruw S/o Shri Arjun Dhruw Aged About 21 Years R/o Mahatma Gandhi Nagar Amlidih, District Raipur Chhattisgarh

... Applicant

versus

State Of Chhattisgarh Through Station House Officer Police Station Rajendra Nagar, District Raipur Chhattisgarh

... Respondent(s)

For Applicant	**:**	Shri B.L. Sahu, Advocate
For Respondent(s)	**:**	Ms. Ritika Verma, Panel Lawyer

Hon'ble Shri Justice Rakesh Mohan Pandey

Order on Board

26/10/2026

1. This is the first bail application filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail to the applicant who has been arrested in connection with Crime No. 104/2026 registered at Police Station Rajendra Nagar, District

Raipur (C.G.) for the offence punishable under Sections 296, 351(2), 115(2), 118(2), 117(2), 191(2) and 3(5) of BNS, 2023. The applicant is in custody since 11.03.2026.

2. Case of the prosecution, in brief, is that on 05.03.2026 at about 5:00 pm, the applicant Maheshwar Nirmalkar was returning home after sitting with his friends near St. Paul's Church, Amlidih. When he reached Gali No. 10, near Vikas Ramani's dumping yard, Mahatma Gandhi Nagar, Amlidih, Raipur, C.G. at around 6-7 pm, the applicant/accused and other co-accused Ashish, Pritam, Ishwar Sahu and Satya were present there. The applicant then asked them where his friend Vinay was. "Why are you asking about him?" The accused unanimously abused him with filthy language and threatened to kill him, and beat him with fists and kicks. During the same incident, the applicant/accused Dhaneshwar alias Dhannu broke a liquor bottle kept near him by hitting it with his head and hitting the applicant Maheshwar Nirmalkar on his right chest with its fragments injuring him. The other co-accused beat him with fists and kicks, causing serious injuries to the applicant's chest, face and head. After the incident, the accused went to his house and had an argument with his mother Pushpa Nirmalkar. On the report of the applicant, a case was registered against the applicant and other co-accused in Police Station- Rajendra Nagar, Raipur under Crime No. 104/2026 under Sections 296, 351(2), 115(2), 118(1), 3(5) of the IPC, 2023 and the matter was taken up for investigation. During the

investigation, the broken bottle used in the crime was seized from the applicant on the basis of his memorandum statement. After other necessary investigation in the case, a case was registered under the aforesaid sections.

3. Learned counsel for the applicant submits that that applicant is innocent and has been falsely implicated in the case. The applicant was not present on the spot and has been implicated solely on the basis of the memorandum statement of the co-accused. It is further submitted that the applicant has no criminal antecedents, the investigation has been completed and the charge-sheet has already been filed, he has been languishing in custody since 20.02.2026, and the conclusion of the trial is likely to take considerable time; thus, the applicant may be enlarged on regular bail.
4. On the other hand, learned State counsel opposes the bail application and submitted that the injured was hospitalized for one day and received injuries over his chest. Therefore, the present applicant may not be enlarged on bail.
5. I have heard learned counsel for the parties and perused the case diary.
6. Taking into consideration the facts and circumstances of the case, particularly that the injured remained hospitalized for single day and the injuries sustained were not grievous in nature; further considering that the applicant has been implicated on the basis of the memorandum statement of the co- accused, that the applicant

has no criminal antecedents, the investigation is complete and the charge-sheet has already been filed, he has been in custody since 11.03.2026, and the trial is likely to take considerable time to conclude, this Court, without commenting on the merits of the case, is inclined to release the applicant on bail. Accordingly, the bail application is allowed.

7. It is directed that in the event of the applicant executing a personal bond for a sum of Rs.50,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, he shall be released on bail, on 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, and

   (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.

8. The observation made hereinabove is for the purpose of deciding this bail application only, the trial Court shall decide the case on its own merits.

SD/-

(Rakesh Mohan Pandey)

JUDGE

Madhurima