CGHC010391752026 2026:CGHC:45576

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 9481 of 2026

Divya Sahu S/o Sushil Kumar Sahu, Aged About 22 Years R/o- Checkpost Ekta Nagar Balco, Thana- Korba, District - Korba (C.G.)

... Applicant

versus

State Of Chhattisgarh Through Police Station - Civil Line Rampur, District - Korba (C.G.)

... Respondent(s)

For Applicant	**:**	Shri Sumit Jhawar, Advocate
For Respondent(s)	**:**	Ms. Smriti Shrivastava, Panel Lawyer

Hon’ble Shri Justice Rakesh Mohan Pandey

Order on Board

28/10/2026

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. 526/2026 registered at Police Station Civil Line Rampur, District Korba (C.G.) for the offence punishable under Sections 296, 351(3), 126(2), 119(1), 109(1) and 3(5) of BNS, 2023. The applicant is in custody since 10.07.2026.

2. The case of the prosecution, in brief, is that on 07.06.2026 an incident took place near Aramshin Nuri Masjid, Rampur Korba. On the basis of the incident the complainant lodged the FIR on 9.06.2026, alleging that on the night on 07.06.2026 the applicant alongwith co-accused demanded money from the applicant for liquor. When he denied to give, he abused him obscenely and threatened to kill him, beat him with hand fists, kicks and bite him with his teeth. When he refused, co-accused attempted to stab him with a knife on the basis of the complaint, offence was registered under Section 296, 351 (3), 126(2), 119(1), 109(1), 3(5) of BNS, 2023.

3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the case. He also submits that the applicant has 11 criminal antecedents. He further contends that the charge-sheet has been filed in all these cases before the competent Court, the applicant has been in jail since 10.07.2026, and the trial is likely to take some time to conclude; therefore, he prays for the grant of bail.

4. On the other hand, learned counsel for the State opposes the bail application and submits that in the present case, charge-sheet

has been filed before the competent Court. She further submits that the applicant has 13 criminal antecedents which makes him a habitual offender. Hence, he is not entitled for grant of bail.

4. I have heard learned counsel for the parties and perused the material available on record.

5. In the present bail application, the applicant has disclosed 11 criminal antecedents. Nonetheless, the primary objectives of examining an accused person's criminal antecedents during bail proceedings are:

- To assess the likelihood of compliance with bail conditions and ensure the accused will not flee or jump bail;
- To determine whether there is a habitual pattern of committing similar or grave offenses; and
- To evaluate the risk of evidence tampering, obstruction of the ongoing investigation, or witness intimidation.

6. The existence of 11 criminal antecedents including 09 live cases underscores a persistent pattern of offending, raising a grave apprehension of offense repetition if he is enlarged on bail.

7. Also in light of the judgment rendered by the Supreme Court in **Deepak Yadav v. State of Uttar Pradesh & Another**, reported in **(2022) 8 SCC 559**, wherein the Hon'ble Supreme Court had cancelled the bail granted to the accused therein on the ground

that the accused had previous antecedents, this Court is not inclined to extend the benefit of bail to the applicant.

8. Accordingly, the instant bail application is rejected

(Rakesh Mohan Pandey)

JUDGE

Madhurima