CGHC010392722026 2026:CGHC:45758

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 9590 of 2026

Bholaram Dhanwar S/o Bahar Singh Dhanwar Aged About 48 Years R/o Naravapara, Ward No.9, Beltukari, Tehsil - Bilaspur, P. S. - Masturi, District - Bilaspur C.G.

... Applicant.

versus

State of Chhattisgarh Through The Station House Officer - Masturi, District - Bilaspur C.G.

--- Respondent

For Applicant : Mr. Ravikar Patel, Advocate.

For Respondent : Ms. Smriti Shrivastava, PL.

Hon'ble Shri Justice Rakesh Mohan Pandey

Order on Board

29/10/2026

1. This is 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. 516/2026 registered at Police Station -Masturi, District - Bilaspur C.G, for offences punishable under Sections 105 of the Bharatiya Nyaya Sanhita, 2023 and Section 146 read with Section 196 of the Motor Vehicle Act.

2. Case of the prosecution, in brief, is that on 31.07.2026, deceased Rajendra Dhruv was proceeding from his village -Bartori, Bilha, towards village -Kachar on his motorcycle. At the relevant time, a green-coloured tractor (bearing no registration number) was coming from the opposite direction; driver of tractor allegedly drove the said tractor rashly and negligently and dashed it against the motorcycle of deceased, due to which, deceased sustained grievous injuries and died on the spot. On the basis of information received from the hospital, a merg intimation was registered and, thereafter, FIR was lodged on 02.08.2026 and after investigation, present applicant was arrested on 31.08.2026.
3. Learned counsel for the applicant submits that the applicant is innocent, he has falsely been implicated in crime in question. The offence against the applicant has been registered under Section 105 of the BNS, whereas in view of nature of allegations, the case would fall within the ambit of Section 106 of BNS, which deals with causing death by a rash or negligent act not amounting to culpable homicide. The applicant is in judicial custody since 31.08.2026 and charge-sheet has already been filed. Conclusion of trial is likely to take considerable time, hence, the applicant may be enlarged on regular bail.
4. On the other hand, learned counsel appearing for the State opposes the bail application and submits that while driving the offending tractor, present applicant intentionally dashed against the motorcycle of the deceased, resulting in fatal injuries and death of

the deceased on the spot. Hence, applicant is not entitled for grant of regular bail.

5. Heard learned counsel for the parties and perused the case diary as well as the material available on record.

6. Considering facts of the case, nature of offence, submissions of counsel for the parties, particularly the fact that FIR and statements of the witnesses do not prima facie indicate any intention on the part of the applicant to cause death of the deceased and the allegation appear to pertain to an accident allegedly caused by rash and negligent driving, further considering that charge-sheet has already been filed, the applicant is in custody since 31.08.2026 and conclusion of trial is likely to take some time, without commenting anything on merits of the case, this Court is inclined to release the applicant on regular bail.

7. Accordingly, the bail application is **allowed**. 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
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> (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.

Certified copy as per rules.

Sd/-
(Rakesh Mohan Pandey)
Judge

J/-