CGHC010393472026

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 9506 of 2026

Ashok Kumar Sahu S/o Late Vedram Sahu Aged About 32 Years R/o Kathrimal, Baigapali, Police Station - Urga, District Korba, Chhattisgarh (Ashok Sahu Name Is Mentioned In The First Bail Order)

... Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station Amanaka District Raipur Chhattisgarh

... Respondent(s)

For Applicant	:	Mr. Syed Afaque Hussein Rizvi, Advocate
For Non-Applicant	:	Mr. Jitendra Shrivastava, G.A.

Hon'ble Shri Justice Rakesh Mohan Pandey

Order on Board

28.10.2026

1. This is the second bail application filed under Section 483 of the Bhartiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail to the applicant who has been arrested in connection with Crime No. 328/2024 registered at Police Station : Amanaka, District : Raipur (C.G.) for the offence punishable under Section 109(1) of BNS.

2. First bail application was dismissed vide order dated 19.11.2025 passed in MCRC No. 9215 of 2025.

3. The prosecution story in brief, is that on 11.09.2024 the complainant, Prakash Sahu, lodged a report at Police Station Amanaka, Raipur stating that the accused Ashok Sahu had come with his wife Nirmala Sahu and their minor daughter seeking work, and was allowed to stay at the under-construction Housing Board building at Tati band. At about 1:30 PM, the site engineer informed the complainant that the accused was assaulting his wife by sitting on her chest and hitting her face with a brick. The labourers present at the site intervened and rescued her, following which she was shifted to AIIMS Hospital in a severely injured condition. On the basis of the report, Crime No. 328/2024 was registered under Section 109 of the BNS. During investigation, the accused was arrested on 12.09.2024 and a black fly-ash brick used in the assault was seized pursuant to his memorandum. After completion of investigation, the charge-sheet was filed and the case is presently under trial. Hence, the bail application

4. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the present case. It is further submitted that the injured, who is the wife of the applicant, has already been examined as PW-4 before the learned Trial Court on 19.09.2025. During her deposition, she did not support the prosecution case and categorically stated that she had sustained injuries after falling down while preparing food. It is

further submitted that the applicant has been in judicial custody since 12.09.2024, has no criminal antecedents, and the trial is likely to take considerable time to conclude. On the aforesaid grounds, learned counsel for the applicant prays for grant of bail to the applicant.

5. Learned counsel for the State opposes the prayer for bail and submits that the allegations against the applicant are serious in nature. It is further submitted that merely because the injured has not supported the prosecution case in her deposition before the learned Trial Court, the same cannot, by itself, be a ground for granting bail to the applicant. Accordingly, learned counsel for the State prays for rejection of the bail application.

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

7. Having heard the learned counsel for the applicant and the learned counsel for the State and upon perusal of the materials available on record, particularly the deposition of PW-4, who is the wife of the applicant and the injured in the present case, wherein she has not supported the prosecution case, coupled with the fact that the applicant has been in judicial custody since 12.09.2024, has no criminal antecedents, and the trial is likely to take some more time to conclude, this Court is inclined to enlarge the applicant on bail.

8. It is directed that in the event of the applicant executing a personal bond for a sum of **Rs. 50,000/-** to the satisfaction of the

concerned trial Court, he shall be released on bail on the following conditions:-

(a) he shall make himself available for interrogation by the police officer as and when required;

(b)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; and

(c) he shall not act in any manner which will be prejudicial to a fair and expeditious trial.

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

Sd/-
(Rakesh Mohan Pandey)
JUDGE

Saurabh