CGHC010393942026 2026:CGHC:43713

NAFR

RAVI SHANKAR MANDAVI
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HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 9542 of 2026

1 - Himanshu Rathi Son of Jogender Rathi, Aged About 26 Years Resident Of Shiv Nagar, Police Station - Shivaji, District - Rohtak (Haryana), At Present R/o Kabir Nagar, Phase - 2, Near J. P. Chowk, Raipur, District - Raipur C.G.

... Applicant

versus

1 - State Of Chhattisgarh Through Station House Officer, Police Station - Singhoda, District - Mahasamund C.G.

... Respondent

(Cause title is taken from CIS)

For Applicant	:	Mr. Goutam Khetrapal, Advocate
For State/Respondent	:	Mr. Sumit Singh, Dy. A.G. with Mr. Aman Tamrakar, Panel Lawyer

Hon'ble Shri Justice Parth Prateem Sahu

Order on Board

08/10/2026

1. Applicant has filed this **first bail** application under Section 483 of Bhartiya Nagrik Suraksha Sanhita, 2023 for grant of regular bail to the applicant who has been arrested in connection with Crime No. 87/2026 registered at Police Station – Singhoda, District-

Mahasamund (C.G.), for the offences under Sections 109(1), 3(5), 189, 190, 351, 126, 127 of B.N.S and 25 of Arms Act.

2. As per the prosecution story, in brief, on 19.05.2025, when the complainant was returning back alongwith Avesh Memon form Bargarh to Sariapali in between Chhuipali to Khamharpali, co-accused Manish Agrawal alongwith applicant came on Scorpio and stopped their Car, thereafter, Manish Agrawal, applicant and other accused persons pulled out the complainant started assaulting them by means of club, bear bottles, hand & fist. The incident was reported to the concerned police station on 07.08.2026, based upon which aforementioned crime was registered and applicant was arrested on 07.09.2026. Hence this application.

3. Learned counsel for the applicant submits that the applicant has been implicated in absolutely false case. He contended that the alleged incident as is appearing from the FIR is dated 19.05.2025 at about 12:00 in the midnight, but the report is lodged only after about 1 year and 3 months from the alleged date of incident. He also contended that on the date of lodging of the report and examination of the complainant by the Doctor, no injuries can be detected and therefore, the offences as alleged against the applicant would not be made out. He also submits that the applicant is already in jail since 07.09.2026 and the registration of crime is thereafter which shows that false and fabricated

complaint has been lodged against the applicant by the persons with enmity. Hence, it is prayed that the applicant be released on bail.

4. On the other hand, learned State Counsel opposes the bail application and further submits that according to the allegation apart from the assault by means of club, bear bottles, hand & fist, the applicant and the co-accused Manish Agrawal has put gun on his head. The gun is still to be seized from the possession of the applicant. Upon putting specific query with regard to MLC report, he submits that no injuries have been reported by the Doctor. He also submits that applicant is having the previous criminal track record and as many as 6 cases of crime has been registered against him, out of which 3 is of Rohtak Haryana of the year 2019, 2022 & 2023 and 3 cases in Chhattisgarh, 2 of which are under Sections 318(4) and others of BNS. He also submits that one more crime is also registered against the applicant bearing Crime No. 379 on 05.10.2026 for alleged commission of offences under Section 305 (e) of BNS and the provisions of Indian Forest Act.

5. I have heard learned counsel for the parties.

6. Considering the submissions advanced by learned counsel for the parties, the nature of the allegations, further that the report is lodged with inordinate delay, applicant is already in custody since about 1 month and the trial will take considerable time to conclude, without expressing any opinion on the merits of the case, I am inclined to allow this bail application.

7. Accordingly, bail application is **allowed**. It is directed that the applicant shall be released on regular bail, upon furnishing a bail bond in the sum of ₹ 25,000/- with one surety in like sum to the satisfaction of the Court on the conditions that-

(a) The applicant 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.

(b) The applicant 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 him under Section 269 of Bharatiya Nyaya Sanhita.

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

(d) The applicant 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 applicant 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. Office is directed to send a certified copy of this order to the trial Court for necessary information and compliance forthwith.

Sd/-

(Parth Prateem Sahu)

JUDGE

Ravi Mandavi