CGHC010396292026 2026:CGHC:45614

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRCA No. 1776 of 2026

1 - Sumitra W/o Shyam Bihari Sahu Aged About 43 Years R/o Village Dharsedi, P.S. And Tehsil Odgi, District Surajpur, (C.G.)

2 - Xyz Nill

... Applicant (s)

versus

State Of Chhattisgarh Through The SHO Police Station Odgi, District Surajpur (C.G.).

... Respondent(s)

For Applicants	:	Mr. Ashok Kumar Shukla, Advocate with Mr. Ravi Singh and Mr. Abhinav K. Shukla, Advocates
For State	:	Mr. Himanshu Yadu, Panel Lawyer

S.B.: Hon'ble Shri Parth Prateem Sahu, Judge

Order On Board

28/10/2026

1. Applicants have filed this application under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short "*BNSS*") for grant of anticipatory bail as they are apprehending their arrest in connection with Crime No.38 of 2026 registered at Police Station- Odgi, District- Surajpur (CG) for offence punishable under Sections 296, 351 (3), 115 (2), 3 (5) and 109 (1) of BNS.

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2. Case of the prosecution, in brief, is that the complainant Naresh Rajwade lodged a written complaint at Police Station Odgi stating that on 08.06.2026 at around 04:00 PM, his brother Nilesh Rajwade informed him over the phone that while they (Nilesh, Vipin, Ramdular, and Vimala Bai) were working in their agricultural field, a dispute arose regarding land wherein Shyam Bihari Sahu and present applicants (applicant No.2 being minor) arrived and started hurling abuses, threatened them with life and committed assault using the axe and clubs.

3. Learned counsel for the applicants submits that according to case of prosecution when husband of applicant No.1 and father of applicant No.2 were ploughing the field, at that time, complainant party came to spot, started quarreling. In the said quarrel, both the parties suffered injuries. Even if the allegation is to be considered, the allegation of assault by means of sharp edged weapon is against Shyam Bihari Sahu who is not the applicant herein. There is no other criminal antecedent of applicants. Hence, they may be extended benefit of anticipatory bail.

4. On the other hand, learned counsel for the State opposes the submission of learned counsel for the applicants and submits that according to FIR/report, Shyam Bihari Sahu objected to ploughing by complainant party and thereafter Neelsh informed Ram Dulare about Shaym Bihari and his wife reached on spot. He contended that Sham Bihari objected saying that wife of Ram Dulare came armed with club and thereafter dispute took

place in which Vipin suffered grievous injury over his head.

5. Upon putting specific query with regard to assault by sharp edged weapon on Vipin, learned counsel for the State submits that allegation of assault by sharp edged weapon is against Shaym Bihari.

6. I have heard learned counsel for the parties and perused the documents available on record.

7. Taking into consideration the facts and circumstances of the case, submission of learned counsel for the parties, nature of allegation, manner in which quarrel is stated to have been taken place between the parties and further considering that applicant No.1 is a woman and applicant No.2 is minor and allegation against both the applicants are that they alleged to have assaulted the victim by means of club, without expressing any opinion on the merits of the case, I am inclined to allow the present application.

8. Accordingly, application is allowed and it is directed that in the event of arrest of applicants in connection with the aforesaid crime, they shall be released on anticipatory bail by the Officer arresting on each of them executing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned arresting officer. Applicants shall also abide by the following conditions :-

> “(i) that the applicants shall remain available for

interrogation before the Investigating Officer as and when required;

(ii) the applicants 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 facts to the Court or to any police officer."

Certified copy as per rules.

Sd/-
(Parth Prateem Sahu)
Judge

Praveen