CGHC010398252026 2026:CGHC:45755

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 9600 of 2026

Dhannu Ram S/o Bijo Ram Aged About 46 Years R/o Near Old Water Tank, Ghutra Para, P.S. And Tehsil Ambikapur, District Surguja Chhattisgarh

... Applicant.

versus

State Of Chhattisgarh Through Station House Officer, Police Station Kotwali, Ambikapur, District Surguja Chhattisgarh.

--- Respondent

For Applicant : Mr. Shakti Raj Sinha, Advocate.

For Respondent : Mr. Arvind Dubey, GA

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. 02/2026 registered at Police Station -Kotwali, Ambikapur, District Surguja, C.G, for offences punishable under Section 103(1) and 3(5) of the Bharatiya Nyaya Sanhita, 2023.

2. Case of the prosecution, in brief, is that deceased -Smt. Durga Hari was brought to Holy Cross Mission Hospital, Ambikapur, on

30.12.2025 in a dead condition. On the basis of information received from the hospital, a Merg Intimation was registered and during course of enquiry, post-mortem of deceased was conducted, wherein the Doctor opined that injuries sustained by the deceased were sufficient to cause her death. During course of enquiry, the Police recorded the statements of independent witnesses namely Smt. Saraswati Rao and her granddaughter Divya Agariya. As per their statements, on 29.12.2025 at about 08:00 p.m., the deceased had visited the house of Saraswati Rao and she allegedly stated that her husband-Dhannu Ram had assaulted her. While the deceased was leaving the house, her daughter Sonamoni (co-accused) stated that she and her father Dhannu Ram would assault/beat the deceased and teach her a lesson. On the basis of the post-mortem report, statements of the witnesses and spot inspection, it was found that the deceased had sustained serious injuries due to assault inflicted by her husband Dhannu Ram and daughter Sonamoni with a stick, fists and hands. Accordingly, the aforesaid offences were registered against the present applicant and co-accused.

3. Learned counsel for the applicant submits that the applicant has falsely been implicated in this case, there is no material available on record to connect the applicant in the alleged offence/crime. Out of 18 witnesses, 05 witnesses have been examined before the trial Court and they have not supported the case of prosecution. He further submits that deceased (wife of applicant) was habituated to

consume liquor and frequently quarrelled with the applicant and other family members. Deceased sustained injuries while she was in an intoxicated condition. The applicant himself took the deceased to the hospital for medical treatment and as per the post-mortem report, no injury was found on any vital part of her body. Even if the prosecution allegations are accepted in their entirety, the incident appears to have occurred in the heat of a sudden quarrel, without any premeditation or prior intention on the part of the applicant to cause death of the deceased. As such, offence punishable under Section 103(1) of BNS are not prima facie attracted. Vide order dated 11.09.2026 passed in MCRC No.4220/2026, co-accused-Sonamoni has been granted bail by this Court. The applicant is in judicial custody since 02.01.2026 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 on 29.12.2025 deceased sustained serious multiple injuries on her face, head and other parts of body which was inflicted by the applicant and on the next date she succumbed to the said injuries. There is oral dying declaration made by the deceased before the independent witnesses namely Smt. Saraswati Rao (PW-4) and her granddaughter Divya Agariya (PW-5). He further contended that co-accused Sonamoni has been granted bail on the ground that she assaulted the deceased with her hands and fists, whereas present applicant assaulted her with a

wooden stick/log. Looking to the nature of offence, 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 on 29.12.2025 deceased sustained multiple injuries on her face, head and other parts of body, which was inflicted by the applicant by means of club/stick, due to the said injuries she succumbed on the next day, further considering the nature and cause of death mentioned in the post-mortem report, co-accused Sonamoni has been granted bail as there was no allegation against her of assaulting the deceased by means of stick/club, this Court is not inclined to allow this bail application.

7. Accordingly, bail application of the applicant is hereby rejected.

8. It is well settled law that the credibility of prosecution witnesses cannot be assessed while entertaining the bail application.

Certified copy as per rules.

Sd/-
(Rakesh Mohan Pandey)
Judge

J/-