CGHC010399932026 2026:CGHC:45992

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 9710 of 2026

Tukeshwar Verma S/o Anuj Aged About 19 Years R/o - Village - Datrengi, Thana Bhatapara (Village), District Baloda Bazar - Bhatapara C.G.

... Applicant

versus

State Of Chhattisgarh Through Station House Officer, Police Station Bhatapara (Village), District Baloda Bazar -Bhatapara C.G. **... Non-Applicant**

For Applicant	**:** Mr. Deepak Kumar Jain, Advocate
For Non-Applicant/State	**:** Mr. Sumeet Singh, Addl. Advocate General

Hon'ble Shri Justice Rakesh Mohan Pandey

Order on Board

30/10/2026

1. This is the first bail application filed on behalf of the applicant under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail, who has been arrested in connection with Crime No. 161/2026, registered at Police Station Bhatapara (Rural), District Baloda Bazar-Bhatapara (C.G.), for the alleged commission of offences punishable under Sections 103(1), 109(1), and 3(5) of the Bharatiya Nyaya Sanhita, 2023.

2. The prosecution story, in brief, is that on 28.03.2026, the complainant Kamdev Rajak lodged a written report at Police Station Bhatapara (Rural) stating that on 27.03.2026, he along with others had come from village Changori Lakhodana, P.S. Kota, District Bilaspur to village

Datrengi Bhatapara to attend a marriage procession. At about 07:30 PM, after the *Parghni* ceremony, while the wedding procession was proceeding towards the bride's residence, the complainant along with Karan Nirmalkar and Durgesh Kewat was walking at the rear of the procession. Suddenly, the power supply failed, and taking advantage of the darkness, unknown persons assaulted Durgesh Kewat on his head with a heavy object, causing severe injuries. When the complainant and Karan Nirmalkar rushed to rescue him, they too were assaulted with heavy objects. On the basis of said report, an FIR was initially registered against unknown persons for the offence punishable under Section 109(1) of the BNS. During the course of treatment at DKS Super Speciality Hospital, Raipur, the injured Durgesh Kewat succumbed to his injuries on 30.03.2026, and Section 103(1) read with Section 3(5) of the BNS was added. During the investigation, the present applicant along with other co-accused persons and two children in conflict with law/juveniles were arrested on 02.04.2026.

3. Learned counsel for the applicant submits that the applicant is innocent and has falsely been implicated in the crime. It is submitted that the specific allegation of inflicting the fatal blow upon the deceased is directed against the juvenile (child in conflict with law), who has already been extended the benefit of bail by the competent Juvenile Justice Board. Learned counsel further contends that the present applicant and one jevenile also sustained injuries during the scuffle as they were being assaulted by members of the crowd. There is no specific allegation or evidence indicating that the applicant assaulted the deceased either with his hands, fists, or any lethal weapon. The applicant has been languishing in jail since 02.04.2026, the investigation is complete, the charge-sheet has already been filed, and he has no criminal antecedents of any nature, therefore, he may be enlarged on regular bail.

4. Learned State counsel opposes the prayer for grant of bail and submitted that the present applicant along with other accused persons, in furtherance of their common intention, assaulted the deceased with wooden clubs, as a result of which the deceased sustained fatal head injuries and subsequently died; thus, he may not be enlarged on bail.

5. Heard learned counsel appearing for the parties and perused the case diary.

6. From a perusal of the statement of the injured eyewitness, Shubham Rajak, recorded during the course of investigation, reveals that the present applicant and the juvenile were themselves being assaulted by someone from the crowd. At that juncture, an unidentified person from the gathering handed over a wooden club to the juvenile, who inflicted the fatal blow upon the deceased. The said eyewitness has not attributed any overt act or specific role of assault on the deceased to the present applicant. Further, the co-accused juvenile has already been granted bail, the investigation is completed, the charge-sheet has been filed before the competent court, the applicant has no criminal antecedents, and he has been in custody since 02.04.2026.

7. Taking into consideration the totality of the facts and circumstances of the case, the nature of the allegations, the role attributed to the applicant, and the fact that trial may take considerable time to conclude, this Court is inclined to enlarge the applicant on regular bail. Accordingly, the application filed under Section 483 of the BNSS is hereby **allowed**.

8. 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

(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.

9. 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.

Sd/-

Rakesh Mohan Pandey
JUDGE

Nadim