CGHC010400902026 2026:CGHC:46718

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 9628 of 2026

Shashank Trivedi @ Todi Son of Sushil Trivedi Aged About 38 Years Resident Of Geetanjali Park Mangla House No.37, P.S. Civil Line, District Bilaspur Chhattisgarh. **... Applicant**

versus

State of Chhattisgarh Through Station House Officer, Police Station Sakri, District Bilaspur (C.G.). **... Non-Applicant**

For Applicant	**:** Mr. Pawan Kumar Kashyap, Advocate
For Non-Applicant/State	**:** Ms. Sameeksha Gupta, Panel Lawyer

Hon'ble Shri Justice Rakesh Mohan Pandey

Order on Board

04/11/2026

1. This is the 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. 620/2026, registered at Police Station Sakri, District Bilaspur (C.G.), for offences punishable under Sections 333, 74, 296, 324(4), 115(2), and 3(5) of the Bharatiya Nyaya Sanhita, 2023.

2. As per the case of the prosecution, on 29.06.2026 at about 09:00 PM, while the complainant was cleaning her house along with her friend Nitin Oraon and two to three other associates, the present applicant, Toddy, came outside her house in an inebriated state carrying liquor. He began demanding the whereabouts of her brother to settle

personal scores. When the complainant pleaded that her brother was unwell, the applicant hurled filthy abuses, made vulgar propositions, and passed sexually derogatory remarks asking her "rate." When her friend Nitin intervened, the applicant engaged in physical assault and scuffled with him. Shortly thereafter, the applicant called his associates, forcibly trespassed into the victim's house, assaulted her, tore her clothes, and attempted to outrage her modesty by groping and touching her inappropriately. The applicant and his companions caused extensive damage to the house property and vandalized a Royal Enfield Bullet motorcycle belonging to Nitin Oraon. The victim and her friend escaped through the rear side of the house to save themselves, dialed '112' for emergency assistance, and reported the incident to the police station. The victim sustained multiple injuries on her hand, elbow, and leg. Following completion of investigation, the charge-sheet was filed before the competent court.

3. Learned counsel for the applicant submits that the applicant is innocent and has falsely been implicated in the crime. It is contended that out of the three accused persons involved in the case, two co-accused have already been enlarged on regular bail by the learned Sessions Court, therefore, the applicant is entitled to parity. Learned counsel further submits that the investigation is complete, the charge-sheet has already been filed, and the applicant has been languishing in jail since 02.07.2026. Though there are three pending criminal cases against the applicant, mere pendency cannot be treated as a bar to grant bail, and since the trial is likely to take substantial time to conclude, he may be released on regular bail.

4. On the other hand, learned counsel appearing for the State vehemently opposes the bail application and submitted that the present applicant is the principal perpetrator who initiated the entire incident in a heavily intoxicated condition. It is argued that the applicant trespassed the

victim's residence and caused damage, but also used derogatory language, tore the victim's clothes, and assaulted her with intent to outrage her modesty, causing bodily injuries to her. Learned counsel emphasizes that the applicant's role is distinctly severe compared to the co-accused persons who were granted bail by the Sessions Court, and having regard to his active criminal background comprising three pending cases, he may not be enlarged on bail.

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

6. Taking into consideration the facts and circumstances of the case, the nature and gravity of the allegations, particularly the manner in which the offence was committed by forcibly entering into the house of the complainant, using filthy and derogatory language, tearing her clothes, and outraging her modesty, coupled with the injuries sustained by the victim; further taking note of the fact that the applicant is the main accused whose role is distinguishable from the co-accused persons, and the applicant is a habitual offender having three live criminal cases pending against him, this Court is of the opinion that looking to the nature of allegations and the past conduct of the applicant, it is not a fit case to enlarge the applicant on bail. Accordingly, the first bail application filed under Section 483 of the BNSS is hereby **rejected**.

Sd/-

Rakesh Mohan Pandey
JUDGE

Nadim