CGHC010403472026 2026:CGHC:45954

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 9692 of 2026

Tushar Dhanda S/o Rajkapur Dhanda Aged About 26 Years (Wrongly Mentioned As Rajkumar In The Order Sheet), R/o Garud Nagar, Gewra, Quarter No. B 38, Police Station Dipka, District Korba, C.G.

... Applicant(s)

versus

State Of Chhattisgarh Through Police Station Urga, District Korba C.G.

... Non-Applicant(s)

For Applicant	:	Mr. Abhishek Sinha, Senior Advocate along with Ms. Kanchan Kalwani, Advocate as well as Mr. Jasleen K. Gulati, Advocate.
For Non-Applicant/State	:	Ms. Ritika Verma, Panel Lawyer

Hon'ble Mr. Rakesh Mohan Pandey, Judge

Order on Board

30/10/2026

1. This is the First Bail Application filed by the applicant under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, who has been arrested in connection with Crime No. 390/2026, registered at Police Station Urga, District Korba (C.G.), for the offence punishable under Section 103(1) of the Bharatiya Nyaya Sanhita, 2023.

2. Prosecution story, in brief, is that on 04.07.2026, at about 4:40 AM,

the complainant Vikas Hudda lodged a report before the concerned Police Station stating therein that on 03.07.2026, he was celebrating his birthday at Meera Resort, where the applicant, after consuming liquor, broke some glasses, which led to an altercation between the applicant and the friends present at the party. It is further alleged that at about 11:00 PM, after the party, the applicant dashed his vehicle against the vehicle of Aman Singh and while reversing his car, intentionally hit and ran over his car upon Ujjwal Kumar with the intention to kill him. As a result, Ujjwal Kumar sustained serious injuries and was immediately taken to Shivam Hospital, Korba, where, during the course of treatment, he succumbed to his injuries. On such complaint, the aforesaid offence was registered against the applicant.

3. Learned senior counsel appearing for the applicant would argue that the applicant is innocent and has been falsely implicated in the present case. He would further submit that although there is an allegation that the deceased was run over by the car driven by the applicant but no crush injury has been found on the body of the deceased. On the contrary, the deceased had sustained abrasions and an abraded contusion, which, according to learned counsel, creates doubt regarding the prosecution story. He would contend that the applicant had no intention or knowledge to cause the death of the deceased and that the entire prosecution story is concocted. Learned senior counsel would further submit that the charge-sheet has already been filed before the competent Court and therefore, no further custodial interrogation of the applicant is required. The

applicant is a young person aged about 26 years and has been in jail since 05.07.2026 and he has no criminal antecedents. He would also submit that, as per the query report, there is no conclusive opinion to establish that the body of the deceased was run over by a car. He would further refer to the statement of Jyoti Mishra, recorded during the course of investigation and submit that the applicant was surrounded by the deceased and other persons present at the spot. According to the applicant, after his vehicle dashed against Aman Singh, the other persons present at the spot started approaching him with the intention of assaulting him. In the said commotion, the applicant inadvertently hit the deceased Ujjawal Kumar with his vehicle. Thereafter, apprehending an assault at the hands of the persons present there, the applicant fled from the spot in his car in order to save himself. Thus, learned senior counsel would submit that the incident occurred without any intention or knowledge on the part of the applicant to cause the death of the deceased and that the applicant has been falsely implicated in the present case. Therefore, he prays for grant of bail to the applicant.

4. On the other hand, learned State counsel appearing for the State would oppose the prayer for grant of bail and submit that there are eyewitnesses account who have categorically stated that a dispute had taken place between the applicant and the deceased and other persons present at the spot. She would further submit that, with the intention to cause bodily injury and commit murder of the deceased, the applicant started his car, reversed it and thereafter, at a high

speed, ran over the body of the deceased, resulting in serious injuries, to which the deceased subsequently succumbed during the course of treatment. She would further submit that the eyewitnesses, namely, Krishna Pratap Singh, Yashwant Singh, Gautam Singh, Abhishek Kumar Singh and Sagar Singh, have categorically stated in their respective statements that the applicant intentionally reversed his vehicle and ran it over the body of the deceased. She would further draw the attention of the Court to the post-mortem report, which reveals that the deceased had sustained as many as nine injuries over various parts of his body, as follows: (i) An abrasion wound measuring 6 cm x 2 cm over the right half of the forehead. (ii) An abrasion with contusion measuring 6 cm x 2.5 cm over the left half of the forehead. (iii) An abrasion wound measuring 6 cm x 2 cm over the posterolateral aspect of the left shoulder. (iv) A grazed abrasion measuring 32 cm x 6 cm over the posterolateral aspect of the left arm, forearm and back of the left hand (v) A grazed abrasion measuring 15 cm x 8 cm over the anterolateral aspect of the left half of the lower one-third of the abdomen. (vi) Two abrasion wounds measuring 2 cm x 2 cm and 5 cm x 2.5 cm, respectively, over the anterolateral aspect of the left knee. (vii) An abrasion wound measuring 2 cm x 2 cm over the lateral aspect of the right knee. (viii) One Y-shaped abraded contusion over the medial aspect of the lower one-third of the right leg, just above the medial malleolus and (ix) An abraded contusion measuring 2 cm x 1.8 cm, associated with loss of hair and underlying diffuse scalp swelling.

5. She would further submit that, as per the post-mortem report, the cause of death was cerebral haemorrhage and its consequences due to head injury resulting from blunt force trauma over the head. The injuries were antemortem in nature and the nature of the weapon used was opined to be hard and blunt force/trauma/surface impact. Thus, the medical evidence lends support to the prosecution case regarding the serious injuries sustained by the deceased. Learned State counsel would contend that the submissions made on behalf of the applicant with regard to the absence of crush injuries and the query report cannot, at this stage, outweigh the specific and categorical statements of the eyewitnesses implicating the applicant in the commission of the offence. Therefore, she prays for dismissal of the bail application.

6. I have heard learned counsel for the parties and perused the case diary.

7. Having considered the facts and circumstances of the case, nature and gravity of the offence alleged against the applicant, particularly the nature and number of injuries sustained by the deceased and the manner in which the alleged incident took place, this Court is not inclined to grant bail to the applicant at this stage. The post-mortem report reveals that the deceased had sustained as many as nine injuries over different parts of his body, including injuries over the forehead, shoulder, left arm, forearm, abdomen and both knees. Significantly, an abraded contusion associated with loss of hair and underlying diffuse scalp swelling was also found over the head of

the deceased. The post-mortem report further opines that the cause of death was cerebral haemorrhage and its consequences due to head injury resulting from blunt force trauma over the head and that the injuries were antemortem in nature. Further, the statements of the alleged eyewitnesses, namely, Krishna Pratap Singh, Yashwant Singh, Gautam Singh, Abhishek Kumar Singh and Sagar Singh, prima facie indicate that, after the altercation, the applicant reversed his vehicle at a high speed and ran it over the body of the deceased. Their statements attribute a specific role to the applicant in the commission of the alleged offence. The deceased thereafter sustained serious injuries and ultimately succumbed to them during the course of treatment.

8. The contention of learned senior counsel for the applicant that no crush injury was found on the body of the deceased and that the query report does not conclusively establish that the deceased was run over by a car, cannot, at this stage, be considered in isolation so as to discard the ocular evidence available on record. The medical evidence, particularly the head injury and the opinion regarding the cause of death, has to be considered along with the statements of the eyewitnesses and the other material collected during investigation. Similarly, the defence version that the applicant had fled from the spot to save himself, raises questions which would require proper appreciation of the evidence during trial.

9. Having regard to the specific allegations against the applicant, the nature of the injuries sustained by the deceased, the medical

evidence indicating death due to head injury and the statements of the eyewitnesses attributing the act to the applicant, this Court is of the considered view that no case for grant of bail is made out at this stage.

10. Accordingly, the bail application filed by the applicant is **rejected**.

Sd/-
(Rakesh Mohan Pandey)
Judge

Kunal