CGHC010407022026 2026:CGHC:46947

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 9848 of 2026

- Harichandra Ayam S/o Ramlal Ayam Aged About 50 Years Caste Gond, R/o Village Bichhli, Patelpara, Police Station And Tehsil Manendragarh, District Manendragarh, Chirmiri Bharatpur Chhattisgarh.

...Applicant

versus

- State Of Chhattisgarh Through- Station House Officer Police Station City Kotwali, Manendragarh, District Manandragarh, Chirmiri Bharatpur Chhattisgarh.

... Non-applicant

For Applicant	:	Mr. Bishnu Muni, Advocate
For Non-applicant	:	Mr. Kanwaljeet Singh Saini, Dy. G.A.

Hon'ble Shri Justice Rakesh Mohan Pandey

Order On Board

05.11.2026

1) The applicant has preferred this First Bail Application under Section 483 of Bhartiya Nagrik Suraksha Sanhita, 2023 for grant of regular bail, as he has been arrested in connection with Crime No. 137/2026, registered at Police Station : City Kotwali Manendragarh, District : Manendragarh-Bharatpur-Chirmiri (C.G.) for the offence punishable under Sections 296, 331(2), 115(2), 103(1) and 3(5) of Bhartiya Nyaya Sanhita, 2023.

2) The prosecution case, in brief, is that the complainant lodged a report alleging that on 14.06.2026 at about 01:00 AM, her husband was assaulted by Gajrup Singh, the present applicant, and other persons using fists and a wooden club. Subsequently, he succumbed to his injuries on 18.06.2026. Based on these allegations, the instant case was registered, and the applicant was arrested on 14.09.2026.

3) Learned counsel for the applicant submits that the applicant was not present at the place of occurrence of the afore-stated crime, was not named in the FIR, and has been roped in solely on the basis of the memorandum statements of the co-accused. He further submits that the applicant is suffering from tuberculosis, is currently under active medical treatment, and continued custody would be detrimental to his health. Pointing out that the investigation is complete, the charge-sheet stands filed, and the applicant has been in custody since 14.09.2026, with the trial likely to take time to conclude, he prays for the grant of regular bail.

4) On the other hand, learned counsel for the State opposes the bail application and submits that the complainant, in her statement recorded on 22.06.2026 under Section 180 of the BNSS, has made a direct allegation of assault against the present applicant, stating that he acted in furtherance of common intention with the co-accused persons and assaulted the deceased, resulting in his death. Therefore, no case is made out for the grant of bail to the

applicant at this stage.

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

6) A careful perusal of the case diary reveals that on 14.06.2026, the complainant's husband was assaulted by Gajrup Singh, the present applicant, and other persons using fists and a wooden club. In the said incident, the deceased sustained multiple injuries to both eyes, the back, and both hands and legs, subsequently succumbing to those injuries on 18.06.2026. Although the applicant was not initially named in the FIR, the complainant, in her statement recorded on 22.06.2026 under Section 180 of the BNSS, has made a direct allegation of assault against the present applicant, stating that he acted in furtherance of common intention with the co-accused persons and assaulted the deceased.

7) It is a settled principle of law that the Court’s role at the stage of bail is confined to verifying the existence of a *prima facie* case. In the present case, there are specific and direct allegations on record indicating that the applicant, acting in concert with the co-accused persons assaulted the deceased. The resulting injuries proved fatal, culminating in his death.

8) Having regard to the overt act attributed to the applicant, the gravity of the offence, and the prima facie material available in the case diary indicating his active participation in furtherance of common

intention, this Court does not find it to be a fit case for the grant of regular bail at this stage.

9) Accordingly, the instant bail application is **rejected**.

Sd/-
(Rakesh Mohan Pandey)
JUDGE

Ajinkya