CGHC010428372026 2026:CGHC:46282

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 10290 of 2026

Rajgiri Goswami S/o. Late Aanandgiri Goswami Aged About 65 Years R/o. Behind Sitamani Rest House Korba, Thana And Tahsil And Distt. - Korba (C.G.)

... Applicant

versus

State Of Chhattisgarh Through S.H.O., Thana - Kotwali, Distt. - Korba (C.G.)

... Respondent

For Applicant	:	Mr. Samir Singh, Advocate
For Respondent-State	:	Mr. Amit Verma, Panel Lawyer

Hon'ble Shri Parth Prateem Sahu, Judge

ORDER ON BOARD

02.11.2026

1. Applicant has filed 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. 446/2026 registered at Police Station –Kotwali, District- Korba, (C.G.) for offence punishable under Section 109, 296, 115(2), 351(3), 192 and 332(c) of BNS, 2023.

2. Case of prosecution in brief is that, the complainant has lodged a report at Kotwali Police Station, Korba on 18.05.2026 at about 10:00 pm stating that present applicant along with other co-accused persons entered the house of complainant and thereafter abused her obscenely, threatened to kill and her and even beat her with sticks and rods, as of which the complainant and others got injured. On the basis of the

above, FIR was lodged against the present applicant and other accused persons.

3. Learned counsel for applicant submits that applicant has been falsely implicated in the crime only after two months of lodging of the report in her supplementary statement. He submits that initially only five persons have been mentioned in the FIR in which applicant's name was not there. He lastly submits that there are allegation against the applicant that he has used only hands and fist to assault the complainant and not weapon. He is in jail since 23.07.2026, hence he may be enlarged on bail.

4. On the other hand, learned counsel for State opposes the submission made by learned counsel for the applicant and submits that according to the allegation the applicant along with other co-accused persons entered the house of complainant at about 10 pm and thereafter committed assault upon her. However, he do not dispute the fact that there is allegation on applicant of assaulting only by means of hands and fists. He also pointed out that there is one criminal antecedent of the applicant of the year 2025.

5. Upon putting specific query on learned counsel for the State he submits that in the supplementary statement of the complainant recorded by the Police on 19.07.2026, applicant has been named.

6. I have heard learned counsel for the parties and perused the documents enclosed along with the bail application.

7. Taking into consideration the facts and circumstances of the case, nature of allegation, submission made by learned counsel for the applicant and also considering the fact that applicant is in jail since

23.07.2026 and applicant was named only after two months from the date of lodging of the report, without commenting anything on the merits of the case, I am inclined to allow this application.

8. Accordingly, bail application is **allowed**. It is directed that the applicant shall be released on regular bail, upon furnishing a bail bond in the sum of ₹ 25,000/- with one surety in the like sum to the satisfaction of the Court on the conditions that-

> (a) The applicant shall file an undertaking to the effect that he shall not seek any adjournment on the dates fixed for evidence when the witnesses are present in court. In case of default of this condition, it shall be open for the trial court to treat it as abuse of liberty of bail and pass orders in accordance with law.
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> (b) The applicant shall remain present before the trial court on each date fixed, either personally or through him counsel. In case of him absence, without sufficient cause, the trial court may proceed against him under Section 269 of Bharatiya Nyaya Sanhita.
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> (c) In case, the applicant misuses the liberty of bail during trial and in order to secure his presence, proclamation under Section 84 of BNSS. is issued and the applicant fails to appear before the court on the date fixed in such proclamation, then, the trial court shall initiate proceedings against him, in accordance with law, under Section 209 of the Bharatiya Nyaya Sanhita.
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> (d) The applicant shall remain present, in person, before the trial court on the dates fixed for (i) opening of the case, (ii) framing of charge and (iii) recording of statement under Section 351 of BNSS. If in the opinion of the trial court absence of the applicant is deliberate or without sufficient cause, then it shall be open for the trial court to treat such default as abuse of liberty of bail and proceed against him in accordance with law.

9. Office is directed to send a certified copy of this order to the trial Court concerned for necessary information and compliance forthwith.

Certified copy as per rules.

Sd/-

(Parth Prateem Sahu)

JUDGE

Alfiza