CGHC010435922026 2026:CGHC:46881

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 10542 of 2026

1 - Ghanshyam Kenwat @ Bhuru S/o Satish Kumar Kenwat Aged About 25 Years R/o Village Beharchuwan, Police Station And Tahsil Kartala, District- Korba Chhattisgarh.

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... Applicant

versus

1 - State Of Chhattisgarh Through Station House Officer, Police Station Kartala, District- Korba Chhattisgarh.

... Non-applicant

For Applicant	:	Mr. Vinod Kumar Dewangan, Advocate
For Non-applicant	:	Mr. Vivek Sharma, PL

Hon’ble Shri Justice Rakesh Mohan Pandey

Order On Board

05.11.2026

1) The applicant has preferred this fourth Bail Application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS'), for grant of regular bail to the applicant who has been arrested in connection with Crime No. 38/2026 registered at Police Station Kartala, District Korba (C.G.), for the offence punishable under Sections 296, 115(2), 351(3) and 109(1) of BNS.

2) Earlier, first bail application i.e. MCRC No. 4958 of 2026 was rejected on merits vide order dated 10.07.2026; second bail application i.e. MCRC No. 7942 of 2026 was rejected on merits on 25.08.2026 and

third bail application i.e. MCRC No.9053 of 2026 was rejected on merits vide order dated 26.09.2026.

3) Case of the prosecution, in brief, is that during Holi festival, a dispute arose between the complainant and applicant at Village Beharchuwan Chowk. Thereafter, the applicant allegedly assaulted and pushed the complainant, resultantly, he fell down and sustained simple injuries, as per the medical report dated 07.03.2026. On such complaint, the police registered offence against unknown accused persons. Subsequently, on the basis of suspicion and alleged memorandum statement, the applicant was implicated in the present case and arrested. Hence, the present bail application.

4) Learned counsel for the applicant would submit that the applicant is innocent and has falsely been implicated in the present case. He would further submit that the earlier three bail applications filed by the applicant were rejected on merits in MCRC No. 4958 of 2026 vide order dated 10.07.2026, MCRC No. 7942 of 2026 vide order dated 25.08.2026 and MCRC No. 9053 of 2026 vide order dated 26.09.2026. He would contend that the applicant is in jail since 09.03.2026, the charge-sheet has been filed and, so far, only five out of ten prosecution witnesses have been examined, who have not supported the prosecution case. The conclusion of the trial is likely to take some time. He, therefore, prays for grant of regular bail to the applicant.

5) On the other hand, learned State counsel would oppose the bail application and submit that the earlier three bail applications of the applicant were rejected on merits and there is no substantial change in circumstances warranting reconsideration of the prayer for bail. He

would further submit that, as per the CT Scan report, the injured sustained multiple hemorrhagic contusions with cerebral edema, indicating grievous and life-threatening head injuries. He, therefore, prays for rejection of the bail application.

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

7) It is a well-settled principle of law that, while considering a bail application, the High Court cannot conduct a mini-trial or undertake a detailed examination of the evidence. The reliability and credibility of the witnesses are matters to be assessed by the learned Trial Court during the course of trial.

8) Having considered the submissions made by learned counsel for the parties and on perusal of the material available on record, it is evident that the earlier three bail applications of the applicant were rejected on merits in MCRC No. 4958 of 2026 vide order dated 10.07.2026, MCRC No. 7942 of 2026 vide order dated 25.08.2026 and MCRC No. 9053 of 2026 vide order dated 26.09.2026. The applicant has again approached this Court for grant of bail; however, no substantial change in circumstances has been brought to the notice of this Court warranting reconsideration of the prayer for bail. It is further relevant to note that, as per the CT Scan report, the injured sustained multiple hemorrhagic contusions with cerebral edema, indicating serious and life-threatening head injuries. The nature of the injuries sustained by the injured cannot be overlooked while considering the prayer for bail. Though learned counsel for the applicant submits that five out of ten prosecution witnesses have been examined and they have not

supported the prosecution case but the evidence of the prosecution witnesses is required to be appreciated by the Trial Court at the appropriate stage and no final conclusion can be drawn at this stage. Further, the fact that the applicant is in custody since 09.03.2026, the charge-sheet has been filed and the trial may take some time for its conclusion, have also been taken into consideration. However, considering the seriousness of the injuries sustained by the injured, the medical evidence available on record and the rejection of the earlier three bail applications on merits, this Court is not inclined to enlarge the applicant on bail. Accordingly, the bail application is **rejected.**

Sd/-
(Rakesh Mohan Pandey)
JUDGE

Rekha