



2024:CGHC:42459

NAFR

**HIGH COURT OF CHHATTISGARH AT BILASPUR**

**MCRC No. 7499 of 2024**

Abhishek Verma S/o Lt. Manaram Verma Aged About 19 Years R/o  
Shitla Para, Gaura Chowk Near Ramnagar, P.S. Gudhiyari, Raipur  
(C.G.)

**... Applicant**

**versus**

State Of Chhattisgarh Through Police Station Gudhiyari, Raipur (C.G.)

**... Non-Applicant**

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For Applicant : Mr. Pragalbha Sharma, Advocate.

For Non-Applicant : Ms. Smriti Shrivastava, Panel Lawyer.

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**Hon'ble Mr. Ramesh Sinha, Chief Justice**  
**Order on Board**

**25/10/2024**

1. This is the first bail application filed 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. 472/2024 registered at Police Station Gudhiyari, District - Raipur (C.G.) for the offence punishable under Sections 115, 118(1), 119, 126, 190 and 191(2), 191(3), 296, 324(4) and 351 of Bharatiya Nyaya Sanhita (for short 'BNS').

2. Case of the prosecution, in brief, is that the complainant Khelan Sahu filed a report stating therein that on 08.07.2024 at night he alongwith Bhuneshwar Sahu was going to hospital. At around 09:30 pm at Kabir Chowk near Shiv Mandir, Bittu Sen and his brother Vinay Sen came alongwith 4-5 other persons and asked for money for liquor, on refusing they assaulted physically with knife and hockey stick and thereafter, broke the motorcycle and ray away, hence the FIR.
3. Learned counsel for the applicant submits that the applicant has not committed any offence and he has been falsely implicated in offence in question. He further submits that two of the similarly situated co-accused persons, namely, Mansingh Rhakur and Pappu Patel have already been granted bail by this Court vide order dated 17.10.2024 in MCRC No.6680 and MCRC No.6893, respectively, further the applicant has been made an accused only on the basis of memorandum statement of the co-accused. The applicant is in jail since 26.07.2024, the applicant has no criminal antecedent, the charge-sheet has been filed in the present case and the trial is likely to take some time for its conclusion. Therefore, he prays for grant of bail to the applicant.
4. On the other hand, learned State Counsel appearing for the respondent/State opposes the bail application and submits that the charge-sheet has been filed in the present case. She further submits that the applicant alongwith other co-accused persons have assaulted the complainant by knife and hockey stick, due to which he sustained injuries, therefore, the applicant is not entitled

for grant of bail.

5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Taking into consideration the facts and circumstances of the case, nature and gravity of offence, period of detention of the applicant since 05.09.2023, the fact that though the allegation against the applicant is that he alongwith other co-accused persons have assaulted the complainant, due to which the complainant sustained injuries, but the present applicant is only said to have been present at the spot alongwith other co-accused persons, no any weapon of assault has been seized from the present applicant and also considering the fact that two of the co-accused persons, namely, Mansingh Rhakur and Pappu Patel have already been granted bail by this Court vide order dated 17.10.2024 in MCRC No.6680 and MCRC No.6893, respectively and the case of the present applicant is similar to that of the co-accused, further the applicant has no criminal antecedent and charge-sheet has been filed in the present case, this Court is of the view that the applicant is entitled to be released on bail in this case.
7. Let the Applicant-**Abhishek Verma**, involved in Crime No. 472/2024 registered at Police Station Gudhiyari, District - Raipur (C.G.) for the offence punishable under Sections 115, 118(1), 119, 126, 190 and 191(2), 191(3), 296, 324(4) and 351 of BNS, be released on bail on his furnishing a **personal bond** with **two sureties** in the like sum to the satisfaction of the Court concerned with the following conditions:-

(i) 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.

(ii) The applicant shall remain present before the trial court on each date fixed, either personally or through his counsel. In case of his absence, without sufficient cause, the trial court may proceed against him under Section 269 of Bharatiya Nyaya Sanhita.

(iii) 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.

(iv) 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.

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

**Sd/-**  
(Ramesh Sinha)  
**CHIEF JUSTICE**