



2024:CGHC:46129

**NAFR**

**HIGH COURT OF CHHATTISGARH AT BILASPUR**

**MCRC No. 7152 of 2024**

Bittu Saha (As Per Cause Title) S/o Sahdev Saha, Aged About 26 Years,  
R/o - 18 Block, Ward No. 15 Mana Camp Raipur, District- Raipur, C.G.

**... Applicant**

**versus**

State of Chhattisgarh Through Station House Officer Mana Camp,  
District- Raipur, C.G.

**... Non-Applicant**

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For Applicant : Mr. Krishna Tandon, Advocate.

For Non-Applicant/State : Ms. Ankita Shukla, Panel Lawyer.

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**Hon'ble Shri Ramesh Sinha, Chief Justice**

**Order on Board**

**25/11/2024**

1 The applicant has preferred this First Bail Application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail, as he has been arrested in connection with Crime No. 368/2024, registered at Police Station – Mana Camp District- Raipur (C.G.) for the offence punishable under Sections 296, 115(2), 351(2), 117(3), and 3(5) of Bharatiya Nyaya Sanhita,

2023, Old Act 294, 323, 506 (newly added in the Act), 34 of IPC.

- 2 The case of the prosecution, in brief, is that the complainant, namely, Gaurav Das lodged First Information Report on 19.18.2024 alleging that his uncle (Mama), namely, Rishikesh Sarkar around 10:00 am went to Shiv Mandir and was sitting outside the temple, thereafter at the same place, the present applicant alongwith other co-accused persons, namely, Ledu Barman, (Juvenile in conflict with law) came and asked the injured not to sit here in reply the victim said that he will not go anywhere on account of which brawl started between the victim and accused persons in the meanwhile the accused person assaulted the victim in which the victim suffered minor injuries.
- 3 It is argued by the learned counsel for the applicant that the applicant is innocent and has been falsely implicated in this case. He further submitted that the applicant has assaulted the victim on his eyes and the injuries sustained by the injured is stated to be grievous in nature. He further submit that the other co-accused person, namely, Ledu Barman has already been enlarged on bail by the order of learned Judicial Magistrate First Class order dated 24.08.2024. He later submits that the applicant has no previous criminal antecedents, charge-sheet has been filed and the applicant is in jail since 21.08.2024 and trial is likely to take quite long time for its conclusion, therefore, he prays for grant of bail.
- 4 On the other hand, the learned State counsel opposed the bail

application and submitted that the charge-sheet has been filed in the present case. She further submitted that the injuries sustained by the injured is grievous in nature and there was a possibility of losing his eye. Hence, he is not entitled to be released on bail.

5 I have heard learned counsel for the parties and perused the documents available on record.

6 Taking into consideration the facts and circumstances of the case, nature and gravity of allegation levelled against the applicant and the fact that the applicant has no previous criminal antecedents, the charge-sheet has been filed and he is in jail since 21.08.2024 and conclusion of the trial is likely to take some time, I am inclined to allow this application.

7 Accordingly, the bail application is **allowed**. Let the applicant - **Bittu Saha**, involved in Crime No. 368/2024, registered at Police Station – Mana Camp District- Raipur (C.G.) for the offence punishable under Sections 296, 115(2), 351(2), 117(3), and 3(5) of Bharatiya Nyaya Sanhita, 2023, Old Act 294, 323, 506 (newly added in the Act), 34 of IPC, 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 his in accordance with law.

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

**Sd/-**  
**(Ramesh Sinha)**  
**Chief Justice**

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