



2026:CGHC:10502

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by RAVVA UTTEJ
KUMAR RAJU

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CRA No. 279 of 2026

Abhishek Pandey S/o Rajesh Pandey, a aged about 30 years, R/o
Mulalimpara, Sitapur, P.S. And Tehsil Sitapur, District Surguja (C.G.)

... Appellant

Versus

State of Chhattisgarh, through P.S. Sitapur, District Surguja (C.G.)

... Respondent

For Appellant : Mr. Manoj Paranjpe, Senior Advocate
along with Mr. Arpan Verma, Advocate.

For State/Respondent : Mr. Jitendra Shrivastava, G.A.

Hon'ble Shri Justice Arvind Kumar Verma

Judgement on Board

28.02.2026

1. The instant appeal under Section 14-A (2) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities Act), 1989 has been filed by the appellant being aggrieved by the impugned order dated 03.11.2025 passed by the learned Special Judge (Atrocities Act) Ambikapur, District Surguja (C.G.) in Special

Session Case No. 44/2024, whereby the second bail application filed under Section 483 of Bharatiya Nyaya Sanhita, 2023 has been rejected.

2. The appellant has preferred this appeal for grant of bail as he is arrested in connection with Crime No. 219/2024 registered in Police Station Sitapur, District Surguja for offence punishable under Sections 365, 323, 302, 201, 506, 212, 147, 120(B) of IPC and Section 3 (2) (v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.
3. As per the prosecution case, the deceased Sandeep Lakda was working under Contractor i.e., the present appellant Abhishek Pandey as Mistri and committed theft of cement and TMT bar. Thereafter, Pratyush Pandey along with the Contractor i.e., the present appellant and other co-accused persons abducted the deceased and subjected him to physical assault resulting into his death. The body of the deceased was allegedly buried in a pit covered with concrete to destroy the evidence. Thereafter, the offence was registered and the charge-sheet was filed against the appellant and others and the appellant was taken into custody in connection with the alleged offence on 15.10.2024.
4. Learned Senior Counsel for the appellant vehemently submitted that after dismissal of CRA No.723/2025 on merit by this Court vide order judgment dated 09.05.2025 (Annexure A-03), the

appellant had preferred Special Leave to Appeal, being SLP (Crl.) No. 11371/2025, which came to be dismissed as withdrawn by order dated 06.08.2025 (Annexure A-08) with liberty to file a fresh petition, should the trial not progress, not for the fault of the petitioner. It was further contended that despite the said liberty, there has been no meaningful progress in the trial; out of 72 prosecution witnesses, only one witness has been examined before the learned Trial Court and the remaining witnesses have not been produced by the prosecution. The appellant has been in judicial custody since 15.10.2024 and has undergone pre-trial detention for more than 15 months, i.e., approximately one year and three months. Learned Senior Counsel submitted that the delay in conclusion of the trial is not attributable to the appellant or his counsel, and therefore, on the ground of prolonged incarceration and lack of progress in trial, the appellant deserves to be released on bail.

5. Per contra, learned State counsel opposes the prayer for grant of bail and stated that prima facie case made out against the appellant.
6. I have heard learned counsel for the parties, perused the material available on record with utmost circumspection.
7. Having considered the rival submissions and on perusal of the record, I found that on several occasion the counsel for the accused sought adjournment to cross-examine the witnesses and on several occasions, the witnesses were not present/produced

before the learned trial Court for their examination. After dismissal of first criminal appeal (bail application) of the accused on merit, I do not find any substance and change in circumstance where the appellant be extended privilege of bail. As such, the criminal appeal liable to be and is hereby dismissed. However, considering the pre-trial detention period, for speedy trial, this Court direct the trial Court to expedite and conclude the trial as early as possible preferably within a period of one year from the receipt of copy of this judgment, subject to no legal impediment, taking note of the following directions/instruction :-

- (I) All the accused persons shall co-operated in the trial.
- (ii) The trial Court shall issue summons in time bound manner.
- (iii) The concerned Superintendent of Police shall ensure service of summons in time and shall take every endeavour to produce the witnesses before the trial Court.

Sd/-
(Arvind Kumar Verma)
JUDGE