



2026:CGHC:8784

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****MCRC No. 1748 of 2026**

1 - Rinku Athwani S/o Late Shobhraj Athwani Aged About 35 Years R/o Deepak Colony, House No. 578, Police Station- New Rajendra Nagar, District Raipur C.G.

... Applicant**versus**

1 - State Of Chhattisgarh Through Station House Officer, Police Station- New Rajendra Nagar, District Raipur C.G.

... Respondent

For Applicant : Mr. Rajeev Kumar Dubey, Adv.

For Respondent/State : Ms. Sunita Manikpuri, G.A.

Hon'ble Shri Justice Sanjay Kumar Jaiswal**Order on Board****19/02/2026**

1. The accused/applicant has moved this **second** bail application under Section 483 of BNSS, 2023 for releasing him on regular bail during trial in connection with Crime No. 128/2025 registered at Police Station – New Rajendra Nagar, District – Raipur (C.G.) for the offence punishable under Sections 103 & 109 of BNS.



2. The first bail application of the applicant was dismissed as want of prosecution on 09.02.2026 in MCRC No. 801/2026.
3. As per the prosecution's case, complainant Soumya Athwani, elder sister of Ishita Athwani (now deceased), lodged a report stating that the applicant and the deceased have a daughter, whose mental condition is not good, due to which the accused/applicant used to frequently quarrel and fight with his wife, Ishita (deceased). On the date of offence i.e. 21.06.2025, at about 9:00 am, she (complainant) was at her home. At that time, the deceased's mother-in-law (Neha Athwani) came and informed her that the applicant was quarrelling and fighting with his wife (Ishita) in their room. Upon this, the complainant went to her sister's room from where the applicant came out and his worn clothes were stained with blood. Upon entering the room, she saw that Ishita was lying soaked in blood and on asking her sister (Ishita), she told that her husband/applicant had attacked her with a weapon, due to which she sustained injuries on her body. Thereafter, Ishita was taken to Mekahara Hospital for treatment and admitted. Based on this offence, under Section 109 of BNS has been registered and taken up for investigation. Later on, during treatment, the injured Ishita died, due to which



section 103 of BNS has been added to the offence. The applicant was arrested on 01.07.2025, and after completion of the investigation charge sheet was filed.

4. Learned counsel for the applicant submits that the applicant has been falsely implicated in the present case. He further submits that there is no dying declaration of the deceased, and also, there is neither any eyewitness in the matter, nor has anything incriminating been seized from the applicant. The applicant is in jail since 01.07.2025, and there is no likelihood of his case being decided in the near future; therefore, the present applicant may be released on bail.
5. On the other hand, learned counsel for the State opposes the bail application and submits that the mother of the accused/applicant had seen the applicant quarrelling with her wife/deceased, and as per the memorandum statement, the applicant threw the knife in a bush, which has not been recovered; however, the blood-stained clothes of the applicant have been seized. She further submits that the applicant committed a heinous offence of the murder of his wife, and some important witnesses are still to be examined; therefore, at this stage, he may not be enlarged on bail.



6. I have heard learned counsel for the parties and perused the case diary.
7. Considering the entire facts and circumstances of the case, particularly looking to the material available on record, the evidence collected by the prosecution against the applicant and the gravity of the offence, at this stage, I am not inclined to release the applicant on bail. Accordingly, the bail application filed under Section 483 of BNSS, 2023, is **rejected**.
8. However, considering the fact that the applicant is in jail since 01.07.2025, and only 5 witnesses out of 15 witnesses have been examined till date, the concerned trial Court is directed to expedite the trial and to ensure that the trial is concluded as expeditiously as possible.
9. Office is directed to sent a certified copy of this order to the trial Court concerned for necessary information and compliance forthwith.

Sd/-
(Sanjay Kumar Jaiswal)
Judge

H.L. Sahu