



2026:CGHC:10273

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**MCRC No. 2010 of 2026**

- Ajay Yadav S/o Shivilal Yadav Aged About 37 Years R/o Village Kururbhatha, Police Station Bhupdevpur, District Raigarh, Chhattisgarh.

... Applicant

versus

- State Of Chhattisgarh Through S.H.O. Of The Police Station Tamnar, District Raigarh, Chhattisgarh.

... Respondent

For Applicant	:	Mr. Dharendra Prasad Mishra, Advocate
For Respondent-State	:	Mr. Khulesh Sahu, Panel Lawyer

Hon'ble Shri Parth Prateem Sahu, Judge**ORDER ON BOARD****27/02/2026**

- Applicant has filed this **first bail** application under Section 483 of Bhartiya Nagrik Suraksha Sanhita, 2023 for grant of regular bail as he has been arrested in connection with Crime No. 133/2023 registered at Police Station – Tamnar, District Raigarh (C.G.) for offence punishable under Sections 302, 394, 201, 120B/34 of IPC.
- Case of prosecution in brief is that one Babulal Chouhan gave information in concerned police station that two dead bodies are lying near selfie point Palighat, Tamnar. Based on the said information, police registered morgue and after morgue inquiry, crime was registered against unknown person. During course of investigation, applicant was arrested on 23.03.2024.



3. Learned counsel for applicant submits that applicant is innocent and has been falsely implicated in the crime. He has been made accused on the basis of statement of co-accused Ajay Sao and thereafter evidence of seizure and memorandum witnesses were recorded. During course of trial, seizure witness Khemraj Gupta and Sukdev Chouhan were examined and they have not supported case of prosecution. Applicant is in jail since 26.03.2023 and thereby they have completed about 2 years and 11 months. Trial is likely to take some time, hence, applicant may be released on bail.
4. On the other hand, learned State counsel opposes the submission of learned counsel for applicant and would submit that according to the material available in the charge-sheet, it is appearing that applicant along with other co-accused persons were interconnected through mobile phone during period of trial which is also appearing from the CDR. He however submits that the submission of learned counsel for applicant based on deposition of PW-10 and PW-11, seizure and memorandum witnesses, is subject matter of appreciation by the trial Court.
5. I have heard learned counsel for the parties.
6. Taking into consideration, facts and circumstances of the case, nature of allegation, submission of learned counsel for the parties and further considering that other co-accused Rakesh Khunte, Jainul Khan, Manoj Sahu and Ajay Sao have been enlarged on bail in MCRS No. 308/2024, MCRC No. 1972/2024, MCRC No. 9150/2025 and MCRC No. 604/2026 respectively, period of pre-trial detention, without commenting anything on merits of the case, I am inclined to allow this bail application.
7. Accordingly, bail application is **allowed**. It is directed that the applicant shall be released on regular bail, upon furnishing a bail bond in the sum of ₹ 25,000/- with one surety in like sum to the satisfaction of the Court on the conditions that-



(a) 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.

(b) 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.

(c) 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.

(d) 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 certified copy of this order to the trial Court concerned for necessary information and compliance forthwith.

Sd/-

(Parth Prateem Sahu)
JUDGE

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