



2026:CGHC:9955



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 1962 of 2026

1 - Shankar Tandi @ Babu S/o Bikhari Tandi Aged About 23 Years R/o Quarter No. B.K.D. - 17, Servent Quarter, Road No. 32, Sector 9, Bhilai, Tehsil And District- Durg (C.G.)

... Applicant

Versus

1 - State Of Chhattisgarh Through P.S. - Bhilai Nagar, District- Durg (C.G.)

... Non-Applicant

For Applicant : Mr. Achyut Tiwari, Advocate

For Non-Applicant : Mr. Virendra Verma, Panel Lawyer

SB: Hon'ble Shri Parth Prateem Sahu, Judge

ORDER ON BOARD

26/02/2026

1. This is the first bail application filed by the applicant 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. 120/2023 registered at Police Station – Bhilai Nagar, District – Durg, Chhattisgarh for the offences punishable under Sections 302, 34 of the Indian Penal Code, 1860.
2. Case of prosecution is that, on the intimation given to the police that a dead body is lying on the side of road, police reached on the spot and after investigation, registered F.I.R. for the alleged commission of offence punishable under Sections 302, 34 of the Indian Penal Code, 1860



against the applicant and two other co-accused persons namely, Bali Jaal and Sumit Jaal. Applicant was arrested on 22.03.2023.

3. Learned counsel for the applicant submits that applicant is innocent, he has been falsely implicated in the crime. He has not committed any offence as alleged. He submits that the applicant has been arrested based on the circumstantial evidence i.e. last seen and thereafter, the memorandum statement was recorded. It is contention of the counsel for applicant that though the statement of memorandum witness have been examined, however, that could not only be sufficient to convict the applicant. In the aforementioned crime, there is no seizure of any incriminating article from the possession of the applicant, but for the motorcycle. He is jail since 22.02.2023 i.e. for more than 03 years and till date, only 03 witness out of 20 witnesses have been examined. Trial may take sometime and therefore, applicant may be enlarged on bail.
4. On the other hand, learned State counsel opposes the submission made by counsel for the applicant and would submit that wife of the deceased is the witness to the last seen and have also stated that when she called the deceased on mobile, the voice of some other person was heard by her. He however, do not dispute the submission of counsel for the applicant about the examination of only 03 witness till date.
5. I have heard learned counsel for the respective parties and perused the documents filed along with the bail application.
6. Taking into consideration, facts and circumstances of the case, nature of allegations, submission of learned counsel for the respective parties, period of pre-trial detention suffered by the applicant, documents enclosed along with the bail application, trial is likely to take sometime, without commenting anything on merits of the case, I am inclined to allow this application for grant of bail.



7. Accordingly, the bail application filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 is allowed and it is directed that applicant shall be released on bail upon his furnishing a personal bond in the sum of Rs. 25,000/- with one surety in the like sum to the satisfaction of Trial Court concerned 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 her 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. Certified copy as per rules.

**Sd/-
(Parth Prateem Sahu)
Judge**