



2026:CGHC:17857

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 3572 of 2026

1 - Suresh Kumar S/o Doman, Aged About 53 Years, R/o Village Kawarabandh, Police Station Salekasa (Wrongly Mentioned As Salesasa), Distt. Gondiya (Maharashtra)

... Applicant

versus

1 - State of Chhattisgarh Through Station House Officer Khairagarh, District Khairagarh-Chhuikhadan-Gandai (C.G.)

... Non-applicant

(Cause title taken from Case Information System)

For Applicant : Mr. Awadh Tripathi, Advocate.

For State : Ms. Supriya Upasane, Govt. Advocate.

Hon'ble Shri Justice Ravindra Kumar Agrawal, J.

Order On Board

20-04-2026

1. The present is 5th bail application of the applicant Suresh Kumar. The applicant who is in jail since 13-05-2024 in connection with Crime No.220/2024 registered at Police Station Khairagarh, District Khairagarh-Chhuikhadan-Gandai (C.G.) for the offence under Section 302, 120-B and 34 of the IPC, is claiming regular bail.

2. The present is 5th bail application of the applicant. The first bail application of applicant Suresh Kumar was dismissed as withdrawn with liberty to repeat the same after examination of two witnesses Pappu @ Heeralal and Pukhraj vide order dated 27-11-2024 in MCRC No.5367 of 2024. The second bail application of the applicant has been dismissed on 14-01-2025 in MCRC No.9100 of 2024 on the ground that the aforesaid two witnesses were not examined as per the liberty granted to the

applicant while rejecting the first bail application. The third bail application of the applicant was dismissed on merits vide order dated 16-09-2025 passed in MCRC No.7274 of 2025 and the learned trial Court was directed to expedite the trial of the case. The fourth bail application of the applicant vide order dated 18-11-2025 passed in MCRC No.9282 of 2025 on merits and also on the ground that 7 witnesses have already been examined. Hence, this fifth bail application.

3. The case of the prosecution is that on 11-05-2024 police was informed about the dead body lying at Dongargarh road near culvert at Kumhi. The dead body was identified from Adhar Card found in the pocket of the pant. On postmortem of the dead body the doctor opined that the deceased died due to homicidal death. During the investigation police received information that the deceased taken breakfast along with other persons at Bajrang Hotel, Itwari Bazar and after breakfast they left the place through Scorpio vehicle. When the CCTV footage of the said hotel was viewed one person was identified as Hemant Dekwar. On being interrogation he disclosed that to grab the insurance claim of the deceased he along with other co-accused persons, Suresh Machhiske and Premchand Tilhare committed murder of deceased Uttam Janghel by strangulation at Gatapar jungle and put the dead body on the culvert to give it a shape of accident. Thereafter, the dead body was crushed through the said Scorpio vehicle. The memorandum statement of two other co-accused persons have been recorded including the present applicant and seizure have been made on their disclosure statement. The mobile call details have also been obtained from Cyber Cell. The relevant documents of insurance policy have also been seized by police and after completion of the investigation charge sheet has been filed against the applicant and two other co-accused persons.

4. Learned counsel for the applicant would submit that there is direct evidence against the applicant which connects him in the offence in question. The two witnesses Pappu @ Heeralal and Pukhraj have been examined before the learned trial Court as PW-4 and PW-2 respectively and they have not supported the prosecution's case. Out of total 31 cited witnesses, 18 witnesses have been

examined and the trial of the case will take its own time. The applicant is in jail since 13-05-2024. There is no incriminating material available in the charge sheet which implicate him with the offence in question. There is no evidence with respect to the conspiracy and the witnesses who have been examined before the learned trial Court have not supported the prosecution case with respect to involvement of the present applicant in the offence. The case of prosecution is based on the said CCTV footage and memorandum and seizure which are inadmissible in evidence and therefore, in absence of any clinching evidence, the applicant cannot be detained in jail till conclusion of the trial. Therefore, the applicant may be enlarged on regular bail.

5. On the other hand, learned counsel for the State opposes and has submitted that offence of conspiracy and murder of the deceased along with other co-accused persons are there in the charge sheet. In their memorandum statement the accused persons have disclosed the manner in which they committed the offence. Conspiracy is always hatched in secrecy and the conduct of the accused persons are also relevant which is to be decided at the time of conclusion of trial. The other witnesses are yet to be examined and trial is in progress and out of total 31 witnesses 18 witnesses have already been examined and the trial is at advance stage. The four bail application filed by the applicant earlier has been rejected on withdrawal as well as merits. The two witnesses on which the applicant relied have already been examined on 14-08-2025 and 17-04-2025 respectively. Looking to the gravity of the offence, manner in which the deceased was allegedly murdered by the accused persons and also the evidence available in the charge sheet, the applicant is not entitled for bail.

6. I have heard learned counsel for the parties and perused the case diary.

7. Considering the submissions made by learned counsel for the respective parties, considering the fact that earlier four bail application of the applicant have already been rejected by this Court either on withdrawal or merits, the nature of allegation against the present applicant and the evidence available in the charge

sheet, the manner in which the alleged offence has been committed by the accused persons, also considering the postmortem report of the deceased, allegation of conspiracy and the advance stage of trial as 18 witnesses have already been examined, I am not inclined to release the applicant on bail.

8. Accordingly, the present 5th bail application filed by the applicant is rejected.

Sd/-

(Ravindra Kumar Agrawal)

Judge