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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 3681 of 2026

Sameer Nishad S/o. Late Shri Nilkanth Nishad Aged About 19 Years R/o.
Ward No. 05, Village Mohandi, P.S. Kharora, Distt.- Raipur (C.G.)

... Applicant

versus

State Of Chhattisgarh Through P.S. Dharsiwa, Distt.- Raipur (C.G.)

... Respondent

For Applicant	:	Mr. Pragalbha Sharma, Advocate
For Respondent-State	:	Mr. Hari Om Rai, Panel Lawyer

Hon'ble Shri Parth Prateem Sahu, Judge

ORDER ON BOARD

23.04.2026

- Applicant has filed this **second 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. 146/2025 registered at Police Station –Dharsiwa, District- Raipur, (C.G.) for offence punishable under Section 103(1), 61(2) and 238 of BNS and under Section 3/181. 5/180, 146/196 and 128A/177 of Motor Vehicle Act. First bail application of the present applicant was withdrawn vide order dated 02.09.2025 in MCRC No. 6935 of 2025.



2. Case of prosecution in brief is that, on 23.03.2025 one dead body was found on agricultural field. Morgue was reported to the concerned police station and based on the morgue enquiry, police found with the dead body a spoon with blood stains. The deceased suffered multiple injuries over the neck, private part and thigh. Based on the morgue enquiry, FIR was registered against unknown persons. During the course of investigation, applicant was arrested based on the memorandum statement of the applicant was also recorded in which, he admitted his guilt and was arrested on 26.03.2025.
3. Learned counsel for applicant submits that applicant has been falsely implicated in the crime, he has not committed offence as alleged. He further submits that there is no specific allegation against the present applicant that he has assaulted the victim in any way and it is clearly reflecting from the memorandum statement of the co-accused(juvenile). He further submits that he was not aware of the intention of main accused in this case. He also submits that accept the memorandum statement, there is no admissible piece of evidence available against the applicant. Applicant is in jail for about more than a year, hence he may be enlarged on bail.
4. On the other hand, learned counsel for State opposes the submission made by learned counsel for the applicant and submits that in the memorandum statement it is clear that along with co-accused Komal Dhivar he took the victim in a motorcycle at a place where Juvenile (main accused) was waiting. However he also submits that accept the memorandum statement there is no other direct evidence available



against the present applicant as also accept one motorcycle there is no other seizure of any incriminating article from the present applicant.

5. I have heard learned counsel for the parties and perused the documents enclosed along with the bail application.
6. Taking into facts and circumstances of the case, nature of allegations made against the present applicant as also the pre-trial detention period of applicant, without commenting anything on the merits of the case, I am inclined to allow this 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 the 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 him counsel. In case of him 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.



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(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

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