



2026:CGHC:21034

NAFR

## HIGH COURT OF CHHATTISGARH AT BILASPUR

### MCRC No. 4119 of 2026

**1** - Maheshwar Netam @ Golu S/o Tarachand Netam Aged About 29 Years  
R/o Village - Salhebhatha, P. S. Mainpu, Dist.- Gariyaband (C.G.)

... Applicant

### **Versus**

**1** - State of Chhattisgarh Through The Police Station - Mainpur, Dist.-  
Gariyaband (C.G.)

... Respondent(s)

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|---------------|---|------------------------------------------------------------------------------|
| For Applicant | : | Shri Tanuj Patwardhan, Advocate.                                             |
| For State     | : | Shri Vinod Tekam, Govt. Advocate and Shri<br>Ashutosh Trivedi, Panel Lawyer. |

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**Hon'ble Shri Justice Ravindra Kumar Agrawal, J**

### **Order on Board**

**05.05.2026**

1. This is second bail application seeking grant of bail to the Applicant who is in jail since **12.09.2024** in connection with Crime No.77/2024 registered at Police Station Mainpur, District Gariyaband for the offence punishable under Sections 103(1),238 read with Section 3(5) of the BNS, 2023.
2. The first bail application of the applicant was dismissed on merits on 08.10.2025 in MCrC No.7568 of 2025.
3. The case of prosecution is that, on 20-07-2024 father of deceased Bhuneshwar Negi lodged a missing report that his son is missing. After

about 7 days of lodging of the missing report the dead body of the deceased without head portion has been recovered from jungle which was in hanging condition. On being postmortem it was reported by the doctor that the death of the deceased was before 10 to 11 days and since the dead body was decomposed the cause of death could not be ascertained. The dead body was identified by its clothes. The FIR was registered and during investigation statement of witnesses Gangaram, Jamunabai and Hemant were recorded in which they stated that they saw the accused persons assaulting the deceased on 18-07-2024. The applicant has been arrested on 12-09-2024 and charge sheet has been filed.

4. Learned Counsel for the applicant would submit that the allegation against the present applicant is that he threw the mobile phone of the deceased in a Well, however, the witnesses to the memorandum and recovery of mobile phone from Well have not supported the case of prosecution. There is no any other incriminating circumstances against the applicant. Though the first bail of the applicant was rejected on merit, but looking to the fact that applicant is in jail since 12.09.2024 and out of total 49 cited witnesses only 10 witnesses have been examined till date, the trial of the case will take its own time and applicant already remained in jail for more than 1 and ½ years, therefore, the applicant be enlarged on bail.
5. On the other hand the counsel for the State opposes the bail application and have submitted that the applicant is named in the FIR. The trial of the case is in progress and 10 witnesses have already been

examined till date. Therefore, the applicant may not be released on bail at this stage.

6. Considering the submissions made by the counsel for the parties, considering the nature of allegations and material collected during investigation; the applicant is named in the FIR; the first bail application of the applicant has already been rejected on merits and also considering the fact that trial of the case is in progress and 10 witnesses have already been examined till date, I do not find any good ground to release the applicant on bail.
7. Accordingly, the second bail application also stands dismissed at motion stage. However, considering the fact that applicant is in jail since 12.09.2024, the trial court is directed to expedite the trial.

Sd/-  
(Ravindra Kumar Agrawal)  
**Judge**