



2026:CGHC:9484

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 9605 of 2025

Order reserved on 19.02.2026

Order delivered on 24.02.2026

Omprakash Markam S/o Basant Kumar Markam Aged About 30 Years R/o
Village Kormi Kadampara, P.S. Sirgitti, District Bilaspur Chhattisgarh

... Applicant (s)

versus

State Of Chhattisgarh Through The Station House Officer, P.S. Sirgitti,
District Bilaspur Chhattisgarh

... Respondent(s)

For Applicant (s)	:	Mr. Vitendra Pathak, Advocate
For Respondent(s)	:	Mr. Krishna Gopal Yadav, Dy. GA

Hon'ble Shri Justice Narendra Kumar Vyas

CAV Order

1. The applicant has filed this second bail application under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short " BNSS") for grant of regular bail, as he was arrested in connection with Crime No. 702 of 2023 registered at Police Station -Sirgitti, District- Bilaspur (CG) for offence punishable under Sections 302, 458 of IPC, 25 and 27 of the Arms Act. First bail application of the applicant was dismissed as



withdrawn with liberty to file afresh application after recording statements of the material witnesses in MCRC No. 6634 of 2024 on 25.09.2024.

2. Case of prosecution, in brief, is that on 26.09.2023, merg intimation No. 56 of 2023 under Section 174 CrPC was registered at Police Station Sirgitti, Bilaspur at the instance of deceased brother Raghunandan Dhuri wherein he has orally informed the police that his younger brother Ayush Dhuri told him that his elder brother Sukhnandan received injury on his right neck and blood was oozing. He has also stated that unknown person has caused injury with sharp edged weapon and he was found dead in his house. On the basis of information, FIR was registered under Section 302 of IPC against unknown person.
3. Learned counsel for the applicant would submit that applicant has been falsely implicated in the crime. He has not committed any offence. During trial, statements of material witnesses have already been recorded wherein they not supported case of the prosecution as the PW-1 to PW-9 have already been turned hostile. He would further submit that out of 14 only 9 witnesses have been examined, no recovery has been made from the possession of the applicant and trial will take some time for its final conclusion. He would further submit that the charge sheet has been filed and the applicant is in jail since 01.10.2023 thereby he has already completed more than 2 years and 4 months of jail sentence and he is the sole bread earner of his family, therefore, he may be enlarged on bail.
4. On the other hand, learned counsel for the State opposes the submission made by counsel for the applicant and would submit that the deceased abused the family member of the applicant several times, as such the



applicant was annoyed, due to that, he has committed offence of murder of the deceased. He would further submit that weapon of assault was recovered at the instance of applicant and deposition which is relied upon by learned counsel for the applicant is subject matter of appreciation by the trial Court. The applicant has past criminal antecedents and two cases were already registered against him. He, however, does not dispute the submission of learned counsel for the applicant with regard to date of arrest of applicant and death of the deceased. He would further submit that the case of the prosecution is based on circumstantial evidence and would pray for rejection of the bail application.

5. I have heard learned counsel for the parties and perused the case diary.
6. The submission made by counsel for the appellant that the prosecution witnesses have been turned hostile, as such no case is made out, continuation incarceration of applicant is illegal is being considered by this Court. From the records available in the case diary, prima-facie, it appears that the accused in his memorandum statement has got seized iron *chavad* and also one shirt wherein blood stained appears which prima-facie, suggest involvement of the applicant in commission of crime in question though as per Section 27 of the Evidence Act the memorandum statement of the accused is not sufficient to establish the commission of the accused but there is discovery of fact which cannot be brushed aside while considering the bail application of the applicant.
7. The Hon'ble Supreme Court with regard to grant of bail in sofar as it relates to heinous offence has held in the case of **Sudha Singh vs. State of U.P.** reported **2021 (4) SCC 781** has as under:-



10. In *Prasanta Kumar Sarkar v. Ashis Chatterjee* 2010 (14) SCC 496, it was held that this Court ordinarily would not interfere with a High Court's order granting or rejecting bail to an accused. Nonetheless, it was equally imperative for the High Court to exercise its discretion judiciously, cautiously and strictly in compliance with the ratio set by a catena of decisions of this Court. The factors laid down in the judgment were:

- (i) Whether there was a prima facie or reasonable ground to believe that the accused had committed the offence;
- (ii) Nature and gravity of accusations;
- (iii) Severity of the punishment in the event of a conviction;
- (iv) Danger of the accused absconding or fleeing, if granted bail;
- (v) character, behaviour, means, position and standing of the accused;
- (vi) likelihood of repetition of the offence;
- (vii) reasonable apprehension of the witnesses being influenced; and
- (viii) danger of justice being thwarted by grant of bail.

8. In light of the law laid down by the Hon'ble Supreme Court and coming to the facts of the case, it is quite vivid, that the applicant is alleged to have been involved in commission of heinous offence of murder, as such he is not entitled to release on bail. There is another reason for not considering the bail application of the applicant at this stage as the trial is at the verge of completion and out of 14 witnesses 9 witnesses have already been examined before the trial court. Now the I.O. and the Doctor have to be examined and also considering prima-facie, role attributed to the applicant in commission of offence for which he has been charged, this Court does not find it a fit case to release the applicant on regular bail. Accordingly, second bail application of the applicant deserves to be rejected and it is rejected.
9. It is made clear that any observation made by this Court while deciding the bail application will not have any effect on the merit of the case and the



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same shall be decided by the trial Court on its own merit in accordance with the law without being influenced by any observation made by this Court.

Sd/-

(Narendra Kumar Vyas)
Judge

Santosh