



2026:CGHC:3591
NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 10507 of 2025

Aniket Netam @ Ankit S/o Bharat Singh Netam Aged About 24 Years R/o
Nayapara Ganesh Nagar, Thana- Sirgitti, Distt.- Bilaspur (C.G.)
... Petitioner

versus

State Of Chhattisgarh Aarakshi Kendra- Sirgitti, Distt.- Bilaspur (C.G.)
... Respondent

For Applicant	:	Mr. Krishna Kumar Khatri, Advocate
For Respondent-State	:	Mrs. Akanksha Verma Dabadhker, Panel Lawyer

Hon'ble Shri Parth Prateem Sahu, Judge

ORDER ON BOARD

21.01.2026

1. 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. 351 of 2023 registered at Police Station – Sirgitti, District- Bilaspur (C.G.) for offence punishable under Section 302, 147, 148, 149 of IPC, 1860 and Section 25 and 27 of Arms Act.
2. Case of prosecution in brief is that, on 16.05.2023 at about 6 PM Monu @ Pawan Soni was standing in front of Betel Shop (Pan Shop) of Pintu Yadav, at that relevant point of time, Ramu Yadav along with 12 other co-accused persons came there armed with sharp weapons and club

and have started assaulting the deceased Pawan Soni due to which he suffered injuries over his person and succumbed to his injuries on the spot. The incident was reported to the concerned Police Station, upon which, aforementioned crime was registered and the applicant was arrested.

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 He further submits that first bail application of applicant was dismissed as withdrawn with liberty to repeat the prayer along with all other documents. He submits that there is no connecting evidence against him. He was not named in the FIR. Applicant was arrested on the basis of memorandum statement of co-accused persons. He further submits that during the pendency of trial PW-01 Suresh Soni, father of the deceased and PW-02 Saroj Soni, mother of the deceased who are also eye witness to the crime, have not specifically named the applicant nor the applicant has been identified as one of the co-accused along with others. Applicant is in jail since 18.05.2023. Hence he may be enlarged on bail.
4. Learned counsel for the State opposes the submission made by learned counsel for applicant and submits that applicant was arrested based upon the memorandum statement of co-accused and according to memorandum statement, applicant has also taken active participation in the crime. She however submits that evidence which is relied upon by the counsel for applicant is subject matter of appreciation by learned Trial Court.

5. I have heard learned counsel for the parties and perused the documents enclosed along with the bail application.
6. At this stage, learned counsel for applicant submits that three co-accused have been enlarged on bail namely Irfan Khan alias Bagira in MCRC No.6660 of 2025 , Santosh Yadav in MCRC No. 5403 of 2025 and Shyam Nayak in MCRC No. 4073 of 2024. He submits that this case is also on similar footing.
7. On due consideration of submission made by learned counsel for respective parties keeping in mind the facts and circumstances of the case and also considering the period of pre-trial detention period of applicant, without commenting on the merits of the case, I am inclined to allow this application.
8. 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/- each 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.

(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.

9. 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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