



CGHC010226722026



2026:CGHC:29335

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****MCRC No. 5917 of 2026**

1 - Dhanush Shetty @ Dhannu S/o Shri Santosh Shetty Aged About 20 Years R/o Near Maroda Railway Station Shivpara, H C L Colony, Bhilai, P.S. Newai, Distt. Durg, Chhattisgarh.

... Applicant**versus**

1 - State Of Chhattisgarh Through SHO, P.S. Newai, Distt. Durg, Chhattisgarh.

... Respondent

For Applicant	:	Mr. Nikhil Pandey Advocate.
For Respondent/State	:	Mr. Rohitashva Singh, Dy. G.A.

Hon'ble Shri Justice Sanjay Kumar Jaiswal**Order on Board****13/07/2026**

1. The accused/applicant has moved this **second** bail application under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 for releasing him on regular bail during trial in connection with Crime No. 278/2025 registered at Police Station – Newai, District – Durg (C.G.) for the offence punishable under Sections 103, 3(5) of BNS.
2. The first bail application of the applicant was dismissed on merit by this Court on 11.02.2026 in MCRC No. 1470/2026.
3. There are five accused persons, including 2 juvenile and 3 major, in the matter. As per the prosecution case, on 08.09.2025 at about

23:00 pm, at Govt. Higher Secondary School, Station Maroda, Shivpara, Newai, P.S. Durg, the applicant along with other co-accused persons, in furtherance of their common intention, assaulted deceased Roshan Kumar by hands, fists and cement bricks causing his death. On report being lodged in this regard, the applicant was arrested on 09.09.2025.

4. Learned counsel for the applicant submits that the applicant is an innocent person and he has been falsely implicated in the present case. He also submits that the first bail application of the applicant was dismissed on the ground that the trial was not commenced, but not out of 20 listed witnesses, all witnesses except one or two witnesses have been examined before the trial Court. There is no direct evidence against the applicant; his implication is based solely on the 'last seen' theory propounded by a child witness, Suraj Sahu, who has been examined before the trial Court and turned hostile. He further submits that the said witness had already departed from the scene before the incident occurred. The FIR was lodged against unknown persons.. Furthermore, no incriminating articles have been seized from the possession of the applicant. The applicant is in jail since 09.09.2025, and the trial is likely to take considerable time, therefore, the applicant may be released on bail. He placed reliance on the decision of Hon'ble the Supreme Court in the matters of **Rohit Jangde vs. The State of Chhattisgarh**, passed in Criminal Appeal No. 689 of 2026 on 17.02.2026 and in the matter of **Gautam Satnami vs. State of Chhattisgarh**, passed in Criminal Appeal No. 1782/2026 on 07.04.2026.
5. On the other hand, counsel for the State opposes the bail application and submits that the applicant along with other co-accused persons, committed a heinous offence of murder of the deceased. The

applicant assaulted the deceased by means of hands and fists; there are sufficient materials against the applicant; therefore, the applicant is not entitled to be enlarged on bail.

6. I have heard learned counsel for the parties and perused the case diary.
7. Considering the entire facts and circumstances of the case and material available on record, and also considering the fact that the first bail application of the applicant was dismissed on merits and there has been no change in circumstances warranting grant of bail to the applicant, without commenting anything on the merits of the case, at this stage, I am not inclined to release the applicant on bail. Accordingly, the bail application filed under Section 483 of BNSS, 2023, is **rejected**.
8. However, considering the fact that the applicant is in jail since 09.09.2025, the concerned trial Court is directed to expedite the trial and to ensure that the trial is concluded as expeditiously as possible.
9. Office is directed to sent a certified copy of this order to the trial Court concerned for necessary information and compliance forthwith

Sd/-
(**Sanjay Kumar Jaiswal**)
Judge

H.L. Sahu