CGHC010169542026 2026:CGHC:46216

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 4041 of 2026

Vinod Ajgalle S/o Thakur Ram Ajgalle Aged About 37 Years R/o Dalalpali Police Station Malkharoda -District Sakti C.G. **... Applicant**

versus

State Of Chhattisgarh Through Station House Officer Police Station Malkharoda District Sakti C.G. **... Non-applicant**

Digitally signed by ALLENA ANJANI KUMAR
Date: 2026.11.03 10:44:26 +0530

For Applicant	:	Shri Chandrikaditya Pandey, Advocate.
For Non-Applicant/State	:	Shri Keshav Gupta, Government Advocate.

(HON'BLE SHRI JUSTICE RAKESH MOHAN PANDEY)

Order on Board

02/11/2026

1. This is the **First bail application** filed under Section 483 of the Bhartiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail to the applicant, who has been arrested in connection with Crime No.255/2025 registered at Police Station Malkharoda District Sakti (C.G.), for the offence punishable under Sections 103(1), 3(5) of Bhartiya Nyay Sanhita, 2023 (for short, the BNS, 2023).

2. As per the case of the prosecution, on 23.10.2025, the complainant Chandan Lal Yadav lodged a report stating that his younger brother was missing since 23.10.2025. Subsequently, he was informed that his brother has been murdered near Muktidham It was also informed that the deceased was a drunkard. On such complaint/report, the police

registered the offence punishable under Section 103(1) of BNS against unknown person. During course of investigation, the present applicant and co-accused persons were taken into custody, on whose instance, clothes and nylon rope, which was used in commission of crime, were recovered. In their memorandum statements, they categorically stated that when they demanded money from the deceased to consume liquor, it was denied by him, and therefore, they took the deceased to Muktidham where they committed his murder using a nylon rope.

3. Learned counsel for the applicant would contend that nylon rope was recovered on instance of co-accused Dharmu Ajgalle whereas clothes of the applicant were recovered on his instance. He would submit that there is no incriminating material against the present applicant in the entire charge-sheet. It is also submitted by him that seizure and memorandum witnesses have been examined and they have not supported the case of prosecution; charge-sheet has been filed; the applicant is in jail since 26.10.2025; he has no criminal antecedents and conclusion of the trial is likely to take some considerable time. Therefore, he would pray that the bail application may be allowed and the applicant may be enlarged on bail.

4. On the other hand, learned counsel for the State would oppose the submissions advanced by the learned counsel for the applicant. He would submit that in the memorandum statements, the applicant and co-accused categorically stated that they had committed murder of deceased. He would submit that on instance of the present applicant and co-accused, nylon rope, which was used in commission of offence and their clothes were recovered. He would submit that in the post-mortem report, cause of death is strangulation and ligature marks were

found over the neck of the deceased. He would further submit that out of total 21 prosecution witnesses, only 10 prosecution witnesses have already been examined, therefore, the bail application deserves to be rejected.

5. I have heard learned counsel appearing for the parties and perused the case diary.

6. Admittedly, out of 21 prosecution witnesses, 10 prosecution witnesses have been examined, thus, the ground of delay in trial is not available to the present applicant. The applicant and co-accused person, in their memorandum statement, categorically stated that they had committed murder of the deceased using a nylon rope. Nylon rope was recovered on instance of co-accused Dharmu Ajgalle and on instance of present applicant, his clothes were recovered from the place of incident. Post-mortem report corroborates the allegations levelled against the present applicant. It is also settled principle of law that credibility and reliability of evidence of prosecution witnesses cannot be assessed while entertaining the bail application as mini-trial is not permissible.

7. Having considered the gravity of offence, the manner in which, the offence has been committed; recovery of clothes and nylon rope on the instance of applicant and co-accused persons, I am not inclined to enlarge the applicant on bail. Accordingly, the instant bail application of the applicant fails and is hereby **rejected.**

Sd/-

(Rakesh Mohan Pandey)
JUDGE

Anjani