SIDDHANT TAMRAKAR
Digitally signed by SIDDHANT TAMRAKAR
Date: 2026.10.08 14:19:28 +0530

CGHC010281122026 2026:CGHC:43298

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 6778 of 2026

- Vaibhav Soni S/o Virendra Soni Aged About 20 Years R/o Ward No. 5 Berla, District Bemetara Chhattisgarh

... Applicant

versus

- State Of Chhattisgarh Through Station House Officer, Police Station Berla District Bemetara Chhattisgarh

... Non-Applicant

For Applicant	:	Ms. Fouzia Mirza, Senior Advocate Advocate assisted by Mr. Ali Afzaal Mirza, Advocate
For State	:	Mr. Keshav Gupta, Government Advocate

Hon'ble Shri Justice Rakesh Mohan Pandey

Order on Board

06.10.2026

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. 18/2026 registered at Police Station Berla, District Bemetara (C.G.), for the offence punishable under Sections 103(1), 3(5), 238 of BNS.

2. Case of the prosecution, in brief, is that on 27.01.2026, while the police were conducting an enquiry in missing case of Praveen @ Preet Dwivedi, his associate Dhalendra @ Sanju Sagarvanshi was traced and interrogated. During interrogation, Dhalendra disclosed that on 25.01.2026, he along with co-accused Vaibhav Soni/applicant had taken Praveen on a motorcycle to

Kharga Talab, Berla, where they assaulted him and Dhalendra drowned him by pressing his neck in pond water. He further disclosed that dead body was concealed under stone in pond. Pursuant to his disclosure, dead body of Praveen was recovered from pond. During investigation, statements of witnesses were recorded and final report was filed before the learned Trial Court.

3. Learned Senior Counsel appearing for the applicant would submit that the applicant has falsely been implicated and his implication rests solely on memorandum statement of co-accused Dhalendra @ Sanju Sagarvanshi. She would argue that no independent witness from Berla Bus Stand has been cited and no CCTV footage has been collected to connect the applicant with the alleged offence. She would contend that in memorandum statement, co-accused Dhalendra admitted that he had caused death of deceased by drowning him, whereas no specific allegation of causing death has been attributed to the applicant.

She would further submit that the dead body was recovered pursuant to the memorandum of co-accused Dhalendra and no incriminating article was recovered on instance of the applicant. The FSL report also does not establish any DNA link between deceased and accused persons, while no conclusive DNA profile could be obtained from the hair sample of the deceased. She would lastly submit that the applicant is in jail since 28.01.2026 and trial is likely to take some time, therefore, applicant may be enlarged on bail.

4. On the other hand, learned counsel for the State would oppose the application and submit that the allegations against the present applicant are

supported by the material collected during investigation. He would submit that the motorcycle bearing registration No. CG 25 P 8416, used for taking the deceased to Kharga Talab, was seized during investigation and CCTV footage from Rakesh Timber Traders, Berla has also been collected, which corroborates the prosecution case with regard to movement of the accused persons. He would further submit that dead body was recovered pursuant to the disclosure of co-accused Dhalendra and stone used to weigh down the body was also seized. He would contend that applicant did not disclose incident to the police, which indicates his involvement in the alleged offence. He would contend that instant application deserves to be rejected.

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

6. It is well settled principle of law that the Court's role at the bail stage is confined to verifying the existence of *prima facie* case. In the present case, there are specific allegations with regard to participation of the applicant in commission of murder.

7. It appears that the deceased was taken to Kharga Talab in motorcycle bearing registration No. CG 25 P 8416, which has been seized during investigation. The CCTV footage collected from Rakesh Timber Traders, Berla also forms part of the material collected during investigation. Further, the dead body of the deceased was recovered pursuant to the disclosure made by co-accused Dhalendra @ Sanju Sagarvanshi. At this stage, the FSL report, which does not establish a DNA match, cannot be considered in isolation from the other material available on record. The evidentiary value of the FSL report and the absence of a DNA match are matters for consideration by the learned Trial

Court during course of trial and cannot be conclusively determined at the stage of bail.

8. Having considered the facts and circumstances of the case, nature and gravity of allegations and material available on record, particularly specific allegations with regard to participation of the applicant in commission of murder, seizure of the motorcycle used in occurrence, CCTV footage collected during investigation and recovery of dead body pursuant to disclosure of co-accused, I am not inclined to grant bail to the applicant.

9. Accordingly, instant bail application is hereby **rejected**.

Sd/-
(Rakesh Mohan Pandey)
JUDGE

$iddhant