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HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 7589 of 2026

- Ashish Tandan S/o Gangaram Tandan Aged About 21 Years R/o Sakin Gram Sonasilli Chowk, Gram Lakhanpur, Police Station And Tehsil - Patewa, District - Mahasamund Chhattisgarh.

... Applicant

versus

- State Of Chhattisgarh Through Police Station Patewa, District Mahasamund (C.G.)

... Non-applicant

For Applicant	:	Dr. Aamir Khan, Advocate
For Non-applicant	:	Mr. Keshav Prasad Gupta, G.A.

Hon'ble Shri Justice Rakesh Mohan Pandey

Order On Board

14.10.2026

1) The applicant has preferred this First 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. 43/2026, registered at Police Station Patewa, District Mahasamund (C.G.) for the offence punishable under Sections 103(1), 238 and 3(5) of Bhartiya Nyaya Sanhita, 2023.

2) The prosecution case, in brief, is that on 02.03.2026, Gangaram telephonically contacted his elder son, Premprakash, wishing to inquire regarding a bank loan of Rs. 50,00,000/-. Thereafter, Premprakash arrived at the brick kiln along with his younger brother Ashish (the applicant) on a motorcycle. Subsequently, an altercation ensued, and it is alleged that the applicant, along with his father Gangaram and step-mother Prinsikala, assaulted Premprakash using fists, an iron axe, and a bamboo stick, causing multiple injuries, and he died on the spot. It is also alleged that the applicant assisted the co-accused persons in screening the offence and burning the blood-stained clothes in the kiln. On these allegations, the afore-stated offence was registered, and the applicant was arrested on 04.03.2026.

3) Learned counsel for the applicant submits that the main allegation of assaulting Premprakash using an iron axe and a bamboo stick is against the co-accused, namely Gangaram and Prinsikala, whereas the allegation against the applicant is only with regard to screening the offence. He further submits that the applicant did not participate in the commission of the afore-stated offence, the charge-sheet has already been filed, yet he has been languishing in jail since 04.03.2026. Since the conclusion of the trial is likely to take some time, he prays for the grant of regular bail to the present applicant.

4) On the other hand, learned counsel for the State opposes the bail application and submits that the applicant has been named in the FIR and there is a direct allegation against him to the effect that he acted in furtherance of common intention with the co-accused persons and assaulted Premprakash using fists, an iron axe, and a bamboo stick, causing multiple injuries, and later tried to screen the offence by burning the blood-stained articles in the kiln; therefore, no case is made out for the grant of bail to the applicant at this stage.

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

6) It is contended by Dr. Khan that the applicant assisted the co-accused persons in screening the offence and burning the blood-stained clothes in the kiln, but did not participate in the commission of a deadly assault on the person of the deceased. It is a settled principle of law that the Court's role at the stage of bail is confined to verifying the existence of a *prima facie* case. In the present case, there are specific and direct allegations on record indicating that the applicant, acting in concert with the co-accused persons in the midst of a violent scuffle, assaulted Premprakash using fists, an iron axe, and a bamboo stick, causing multiple injuries, and later tried to screen the offence by burning the blood-stained articles in the kiln. The resulting injuries proved fatal, culminating in his death on the spot.

7) Having regard to the overt act attributed to the applicant, the gravity of the offence, and the prima facie material available in the case diary indicating his active participation in furtherance of common intention, this Court does not find it to be a fit case for the grant of regular bail at this stage.

8) Accordingly, the instant bail application is **rejected**.

Sd/-
(Rakesh Mohan Pandey)
JUDGE

Ajinkya