CGHC010309722026 2026:CGHC:44194

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HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 7485 of 2026

Omprakash Dhruv @ Faram S/o Late Kriparam Dhruv Aged About 39 Years R/o Ward No. 19, Bagdehi Para, Gobra Naya Para, Police Station- Gobra Naya Para, Distt. Raipur (C.G.). **... Applicant**

versus

State Of Chhattisgarh Through S.H.O. Police Out Post Karelibadi, Police Station- Magarlod, Distt. Dhamtari (C.G.). **... Non-applicant**

For Applicant	**:**	Mr. Arun Kumar Shukla, Advocate
For Non-applicant	**:**	Mr. Dharmesh Shrivastava, Deputy Advocate General

Hon'ble Shri Justice Rakesh Mohan Pandey

Order on Board

13/10/2026

1. This is the first bail application filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) for grant of regular bail to the applicant, who has been arrested in connection with Crime No. 41/2025 registered at Police Station Magarlod, District Dhamtari (C.G.) for an offence punishable under Section 103 of the Bharatiya Nyaya Sanhita, 2023 (BNS).

2. Brief facts of the prosecution case are that due to previous enmity, the applicant, with the intention of causing the death of deceased Lochan Nishad, assaulted him with a sharp-edged knife near the left side of his chest. On account of the fatal injuries sustained in the attack, Lochan Nishad succumbed to his injuries, leading to the registration of the present crime against the applicant.

3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the case. It is argued that the applicant has been languishing in jail since 16.03.2025. Out of total 18 prosecution witnesses, only 4 witnesses have been examined before the trial Court so far. It is further submitted that the material eyewitnesses have been examined and they have turned hostile. Learned counsel also contends that no incriminating weapon or article has been seized at the instance of the applicant; thus, the applicant deserves to be enlarged on regular bail.

4. On the other hand, learned State counsel vehemently opposes the bail application and submits that the applicant inflicted fatal knife blows directly on the vital part (chest) of the deceased. It is argued that the weapon of offence (knife) was recovered and seized on instance of the applicant. It is further contended that the incident was witnessed by multiple eyewitnesses and there is direct ocular as well as corroborative material implicating the applicant in a heinous offence of murder; thus, looking to the gravity of the offence and the direct role attributed to him, the applicant is not entitled to the grant of bail.

5. Heard learned counsel for the parties and perused the case diary.

6. Considering the gravity and nature of the offence, the specific overt act attributed to the applicant of inflicting a fatal knife blow on the chest of the deceased, the seizure of the murder weapon at his instance, and

the ocular evidence available on record, this Court is not inclined to enlarge the applicant on bail.

7. Insofar as the argument regarding the deposition of witnesses turning hostile is concerned, it is a well-settled principle of law that appreciation of the credibility and reliability of witness testimonies, or conducting a mini-trial at the stage of considering a bail application is impermissible.

8. Consequently, the bail application (MCRC) is hereby **rejected**.

9. However, taking into account the period of custody of the applicant since 16.03.2025, the learned trial Court is directed to make every endeavor to expedite the trial and conclude the same as early as possible, in accordance with law, without granting unnecessary adjournments to either of the parties.

Sd/-

Rakesh Mohan Pandey

JUDGE

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