CGHC010323102026 2026:CGHC:43395

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 7763 of 2026

Bharat Lal Rathore S/o Ghasiram Rathore, Aged About 52 Years R/o Village Putpura, P. S. Janjgir District Janjgir Champa C. G. **... Applicant**

versus

State Of Chhattisgarh Through The Station House Officer, Police Station Janjgir District Janjgir Champa C. G. **... Non-Applicant**

For Applicant	**:**	Mr. Umakant Singh Chandel, Advocate
For Non-Applicant	**:**	Mr. Jitendra Shrivastava, Government Advocate

Hon'ble Shri Justice Rakesh Mohan Pandey

Order on Board

07/10/2026

1. The applicant has filed the present first bail application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, in connection with Crime No. 937/2025, registered at Police Station, Janjgir, District Janjgir-Champa (C.G.), for the offences punishable under Sections 103(1) and 238(a) of the Bharatiya Nyaya Sanhita, 2023. The applicant is in custody since 19.10.2025.

2. The prosecution story in brief is that the deceased namely Saraswati Rathore, who was wife of the present applicant residing at village Putpura with him. On 16.10.2025, his wife had taken dinner and gone to sleep at their house. On the morning of 17.10.2025, when he woke up,

he found that his wife was missing. Despite searching for her in the nearby areas, she could not be traced. Consequently, a missing-person report was lodged at Police Station Janjgir, which was registered vide Missing Person No. 115/25; thereafter, on 18.10.2025, information was received regarding the discovery of the dead body of Saraswati Rathore, drowned in the pond situated at Village Putpura. Accordingly, Merg Intimation No. 133/25 was registered under Section 194 of the Bharatiya Nagarik Suraksha Sanhita, 2023, and the requisite inquest proceedings were conducted. During the inspection of the dead body, injuries over lips, nose were found; two bricks were found tied around the neck of the deceased with a cloth rope. The dead body was subsequently sent for post-mortem examination.

3. During the inquest proceedings, statements of family members of the deceased including younger sister of the deceased namely Vrinda Devi Rathore, brother of the deceased namely Vyasnarayan Rathore, daughter-in-law of the deceased namely Surekha Rathore, Sanjiv Rathore and Ajay Kumar Rathore and Shivkumari were recorded u/s. 180 of the BNSS. They stated that the deceased's husband, Bharat Lal Rathore, was habitual of consuming liquor and ganja and whenever the deceased objected to his consumption of intoxicants, he used to assault her.

4. Vrinda Devi, the sister of the deceased stated that her sister Saraswati Rathore was married to the applicant/accused, Bharat Lal Rathore, and the couple had two sons, namely Sanju Rathore and Sandeep Rathore. Both sons were married. She further stated that the deceased and the applicant were residing at village Putpura along with their elder son, Sanju Rathore, while their younger son, Sandeep Rathore, was residing elsewhere with his family for livelihood. She further stated that she used to speak regularly with her sister Saraswati over the telephone and was also in contact with her daughter-in-law, Sulekha. According to her

statement, on 16.10.2025, Surekha Rathore telephoned her and enabled her to speak with Saraswati. During the conversation, Saraswati was crying and told her that the applicant frequently consumed alcohol and Ganja and had been beating her with his hands and fists for the preceding two to three days because she objected to his habits. The deceased further told her that she did not wish to continue living with the applicant and feared that he might kill her. The witness stated that she tried to console her sister. The witness further stated that on 17.10.2025, at around 5:30 a.m., the applicant and Sulekha telephoned her and informed her that Saraswati was missing from the house.

5. Vyasnarayan Rathore, brother of the deceased in his statement stated that the applicant frequently consumed alcohol and Ganja and used to assault her whenever she objected to his habits.

6. Sanjeev Rathore, son of the deceased stated that at around 2.30 am, his mother and father (applicant) were in their room.

7. After merg inquiry, the police registered FIR against the present applicant, memorandum statement was recorded on 19.10.2025, wherein his admitted that on account of some dispute he has assaulted his wife and when he took his wife near pond and drowned her. The applicant/accused was arrested on 19.10.2025 at about 3:00 p.m. and was thereafter produced before the competent court for judicial remand. The investigation was recorded as continuing in the case diary.

8. Learned counsel for the applicant submits that the deceased went missing on the morning of 17.10.2025 and her dead body was recovered on 18.10.2025. He further submits that this is not a case of last seen together and the applicant has been arrested merely on the basis of suspicion. It is also submitted that the charge-sheet has been filed and the applicant has been in judicial custody since 19.10.2025;

thus, learned counsel prays that the applicant may be released on regular bail.

9. On the other hand, learned State counsel opposes the bail application and submits that the applicant is accused of murdering his wife, Saraswati Rathore. It is submitted that the deceased was subjected to frequent physical assault by the applicant whenever she objected to his consumption of alcohol and marijuana. Learned State counsel further submits that, on 16.10.2025, the deceased spoke to her sister over the telephone and disclosed that the applicant had been beating her for the previous two to three days and that she feared he might kill her. Learned State counsel further submits that the dead body of the deceased was recovered from a village pond on 18.10.2025, with two bricks tied around her neck with a cloth and rope. The post-mortem report indicates that the cause of death was asphyxia due to suspected ante-mortem drowning. It is further submitted that the statements of the deceased's relatives and the other material collected during the investigation prima facie indicate the involvement of the applicant in the commission of the alleged offence. On these grounds, learned State counsel prays for rejection of the bail application.

10. I have heard learned counsel for the parties and perused the case diary and the material available on record.

11. Having considered the nature and gravity of the allegations, and the material available in the case diary, it appears that shortly before the incident, the deceased had informed her sister, Vrinda Devi Rathore, that the applicant had been physically assaulting her and she apprehended danger to her life. Further, the dead body of the deceased was recovered from a village pond with two bricks tied around her neck with cloth and rope. The statements of the deceased's relatives, particularly that of her sister, along with the circumstances

surrounding the recovery of the dead body and the post-mortem findings, are relevant considerations at this stage. Although learned counsel for the applicant submits that this is not a case of last seen together and that the applicant has been arrested merely on the basis of suspicion, considering the nature and gravity of the alleged offence and the material available on record, I am not inclined to grant the concession of regular bail to the applicant at this stage. Accordingly, the first bail application is rejected. It is, however, made clear that the observations made herein are confined to the consideration of the bail application and shall not affect the merits of the case during trial.

12. It is made clear that the observations made herein are confined to the consideration of the present bail application and shall not affect the merits of the case during the trial.

Sd/-

Rakesh Mohan Pandey

JUDGE

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