CGHC010331842026 2026:CGHC:43799

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 7998 of 2026

Komal Sarathi S/o Shri Shiv Prasad Sarathi, Aged About 30 Years R/o Village Banekela, Police Station And Tehsil Lailunga, District Raigarh, C. G.

... Applicant

versus

State Of Chhattisgarh Through- Police Station Lailunga, District Raigarh, C G.

... Non-Applicant

For Applicant	:	Shri Rajendra Patel, Advocate.
For Non-applicant/State	:	Shri Jitendra Shrivastava, Government Advocate.

(HON'BLE SHRI JUSTICE RAKESH MOHAN PANDEY)

Order on Board

09/10/2026

1. The applicant has preferred the **second bail application** under Section 483 of the BNSS, 2023 for grant of regular bail, as he has been arrested in connection with Crime No.201/2022, registered at Police Station Lailunga, Distt. Raigarh (C.G.) for the offence punishable under Section 302 of the IPC. First Bail Application of the applicant was dismissed as withdrawn passed by the coordinate Bench of this Court vide order dated on 12.12.2025 in MCRC No. 10289/2025.

2. Case of the prosecution, in nutshell, is that on 13.07.2022, the complainant Yudhishtir Sarathi lodged a report at P.S. Lailunga to the effect that on 12.07.2022, his nephew Komal Sarathi (present

applicant) committed murder of his mother (sister of the complainant) and when he found her in a pool of blood, he took her to the Hospital for treatment but during treatment, the deceased died. Based on report, F.I.R. was lodged against the applicant for the aforesaid offence.

3. Learned counsel appearing for the applicant would submit that the applicant is in jail since 13.07.2022 and out of 12 witnesses, only 6 witnesses have been examined and they have not supported the prosecution case. He would further contend that in the present case, there is no direct evidence against the present applicant and on the basis of weak evidence of extra judicial confession, the present applicant has been implicated in the case. He would further contend that the first application of the applicant was withdrawn on 12.12.2025. He would further submit that conclusion of trial may take some considerable time, and therefore, he would pray for grant of bail to the applicant. He has placed on the judgment of Supreme Court in the matter of ***Balwinder Singh vs. State of Punjab & Anr.*** passed on 09.09.2024 in Special Leave to Appeal (Crl.) No.8523/2024 wherein the Supreme Court held in para-7 as under:

> "7. An accused has a right to a fair trial and while a hurried trial is frowned upon as it may not give sufficient time to prepare for the defence, an inordinate delay in conclusion of the trial would infringe the right of an accused guaranteed under Article 21 of the Constitution."

4. On the other hand, learned State counsel would oppose the bail application and submit that there are only 12 witnesses, and out of which, 6 witnesses have already been examined. He would further

contend that there is serious allegation against the applicant that he committed murder of his mother. He would further contend that the applicant made extra judicial confession before Damrudhar Painkra and Chetan Ram Sarathi, out of whom, Damrudhar Painkra has not yet been examined before the trial Court, therefore, the bail application of the present applicant deserves to be rejected.

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

6. In the matter of **Balwinder Singh** (supra), out of 47 witnesses, only 7 witnesses were examined and 6 accused persons were granted bail whereas in the present case, out 12 witnesses, 6 witnesses have already been examined by 23.07.2026. There is allegation against the present applicant that he committed murder of his mother and made extra judicial confession before two persons and out of whom, one such witness has not been examined yet.

7. Having considered the above facts, I do not find any good ground in the second bail application. Accordingly, the second bail application fails and is hereby **rejected.**

Sd/-

(Rakesh Mohan Pandey)
JUDGE

Anjani