CGHC010341292026 2026:CGHC:43208

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 8196 of 2026

Ajay Kumar Mishra @ Laxmi Sagar Mishra @ Kimti S/o Rajnarayan Mishra Aged About 42 Years R/o Icchana, Police Station Saraiaquil, District Kaushambi, Uttar Pradesh **... Applicant**

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Date: 2026.10.07 10:18:50 +0530

versus

State Of Chhattisgarh Through Police Station Tikarapara, Raipur, District Raipur, Chhattisgarh **... Non-Applicant**

For Applicant	:	Shri Manish Nigam, Advocate.
For Non-Applicant/State	:	Shri Kanwaljeet Singh Saini, Deputy G.A.

(HON'BLE SHRI JUSTICE RAKESH MOHAN PANDEY)

Order on Board

06/10/2026

1. The applicant has preferred this **First Bail Application** under Section 483 of the BNSS, 2023 for grant of regular bail, as he has been arrested in connection with Crime No.445/2021, registered at Police Station Tikarapara, Raipur, District Raipur (C.G.) for the offence punishable under Sections 302, 397 and Section 34 of IPC.

2. As per the case of prosecution, an F.I.R. was registered on 19.10.2021 at the instance of a Constable of Police Station Tikarapara, after recovery of dead body of Shakuntala, against an unknown person. As per contents of F.I.R. the dead body of deceased was found in a closed door and door was opened by the informant Ajay Yadav on 19.10.2021

and the informant found the dead body inside the bed room, belongings scattered and steel Almirah opened and pillow was found over the face of the deceased and when it was removed, her mouth was found tied with black coloured cloth and neck was also tied with red cloth and legs were also tied with sky coloured cloth.

3. Learned Counsel for the applicant would submit that after completion of investigation, the police submitted first closure report on 01.11.2023 and thereafter, the a complaint was made by son of the deceased and matter was again investigated and again a closure report was submitted on 30.05.2025. He would argue that after lapse of long 5 years, the applicant was arrested on suspicion on 25.03.2026. He would submit that there is no material evidence in the entire charge-sheet against the present applicant. He would submit that trial may take some time for its conclusion. Therefore, he would pray for grant of regular bail to the applicant.

4. On the other hand, learned counsel appearing for the State would oppose the submissions made by the learned counsel for the applicant. He would contend that the applicant has two criminal antecedents; first one was registered under the provisions of Arms Act and another, registered under the provisions of BNS. He would further submit that during course of investigation, police enquired call details record, CCTV etc. and subsequently arrested the present applicant, therefore, the instant bail application deserves to be rejected.

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

6. Having considered the fact that twice closure reports were submitted by the Police before the competent Court, firstly on 01.11.2023 and

secondly on 30.05.2025; the applicant was arrested on the basis of call details report, but no certificate under Section 63 of the Bhartiya Sakshya Adhiniyam has been annexed in the charge-sheet, nor there is call details report, CCTV footage and even there is no prima facie material available against the present applicant and with regard to criminal antecedents of the present applicant, two criminal antecedents were registered way back in the year 2016 and 2018 respectively and by lapse of time, the said criminal antecedents became insignificant and further considering that the trial is likely to take some considerable time, therefore, without making any observation on the merits of the matter, I am inclined to grant bail bail to the applicant. Accordingly, the bail application is **allowed.**

7. It is directed that the applicant shall be released on bail on his furnishing a personal bond in sum of **Rs.50,000/-** with one surety in the like sum to the satisfaction of the Court concerned with the following conditions:-

(i) he shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such fact to the Court;

(ii) he shall not act in any manner which will be prejudicial to fair and expeditious trial, &

(iii) he shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Sd/-

(Rakesh Mohan Pandey)
JUDGE

Anjani