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KUNAL DEWANGAN

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HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 8965 of 2026

Kishan Sharma S/o Late Rajesh Sharma Aged About 25 Years R/o Shravan Gali, Chandmari, Police Station Kotwali Tehsil And District- Raigarh (C.G.)

--- **Applicant(s)**

versus

State Of Chhattisgarh Through Police Station Kotwali, District- Raigarh (C.G.)

... Non-applicant(s)

For Applicant	:	Mr. Dhirendra Prasad Mishra, Advocate.
For Non-applicant/State	:	Mr. Dharmesh Shrivastava, Dy. Adv. Gen.

Hon'ble Shri Rakesh Mohan Pandey, Judge

Order on Board

08.10.2026

1. The applicant has preferred this second bail application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, for grant of regular bail, as he has been arrested in connection with Crime No. 24/2025 registered at Police Station Kotwali, District Raigarh (C.G.), for the offences punishable under Sections 103(1), 238, 61(2), 331(8) and 3(5) of the Bharatiya Nyaya Sanhita, 2023.

2. Earlier, the first bail application of the applicant was dismissed as

withdrawn by a Co-ordinate Bench of this Court in MCRC No. 2445 of 2026, vide order dated 17.03.2026.

3. As per the prosecution case, on 13.01.2025, Sitaram Jaiswal and Annapurna Jaiswal were found murdered at their house situated at Purani Hatri Bazaar, Raigarh, pursuant to which Crime No. 24/2025 was registered against unknown person(s) for the offence punishable under Section 103(1) of the BNS. During investigation, CCTV footage of the vicinity showed two persons leaving the place of occurrence on a motorcycle, who were identified as Kishan Sharma (present applicant) and Atul Dansena. During investigation, it is alleged that present applicant and co-accused Atul Dansena had hatched a plan to commit theft in the house of Sitaram Jaiswal, under the impression that money received from a land transaction was kept there and thereafter entered the house and assaulted Sitaram Jaiswal and Annapurna Jaiswal with an iron rod, resulting in their death. On the basis of the memorandum statements and other material collected during investigation, the present applicant was arrested and offences under Sections 238, 61(2), 331(8) and 3(5) of the BNS were also added.

4. Learned counsel for the applicant would submit that the applicant is innocent and has been falsely implicated in the present case. It is submitted that no weapon or other incriminating article was seized from the possession or at the instance of the present applicant and there is no eye-witness to the alleged occurrence. It is further submitted that the applicant has been in custody since 21.01.2025 and out of 45 prosecution witnesses, only 5 witnesses have been

examined till date and, therefore, conclusion of the trial is likely to take considerable time. It is also contended that co-accused Divya Sarathi has already been enlarged on bail by a Coordinate Bench of this Court in MCRC No. 260 of 2026, vide order dated 27.01.2026 and the applicant claims parity with the said co-accused. Therefore, he prays for grant of bail.

5. On the other hand, learned State counsel would oppose the prayer for grant of bail and submit that the case of co-accused Divya Sarathi is clearly distinguishable from that of the present applicant. He would submit that co-accused Divya Sarathi was granted bail by the Coordinate Bench of this Court as she was implicated solely on the basis of the memorandum statements of co-accused Kishan Sharma and Atul Dansena. It is further submitted that the present applicant Kishan Sharma and Atul Dansena were identified in the CCTV footage, whereas the present applicant is alleged to have, along with the other co-accused persons, forcibly entered the house of Sitaram Jaiswal and Annapurna Jaiswal with an intention to commit theft and thereafter committed their murder. He would further submit that blood-stained clothes were seized at the instance of the present applicant. Thus, the case of the present applicant stands on a different footing from that of co-accused Divya Sarathi and therefore, he prays for dismissal of the bail application.

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

7. Having considered the facts and circumstances of the case, nature

and gravity of the offence alleged against the applicant and particularly the material collected during investigation, this Court finds that the case of the present applicant is distinguishable from that of co-accused Divya Sarathi, who was enlarged on bail by a Coordinate Bench of this Court in MCRC No. 260 of 2026, vide order dated 27.01.2026. The said co-accused was granted bail as her implication was based solely upon the memorandum statements of co-accused Kishan Sharma and Atul Dansena, whereas the present case involves additional incriminating material against the applicant, including seizure of blood-stained clothes at his instance and the identification of the applicant and co-accused Atul Dansena in the CCTV footage. The allegations against the applicant further disclose his active participation in the alleged occurrence involving forcible entry into the house of the deceased persons with an intention to commit theft, followed by their murder. Thus, the applicant cannot claim parity with co-accused Divya Sarathi. In view of the nature and gravity of the allegations and the material available against the applicant, this Court is not inclined to grant bail to the applicant.

8. Accordingly, the bail application filed by the applicant under Section 483 of BNSS, involved in Crime No. 24/2025 registered at Police Station Kotwali, District Raigarh (C.G.), for the offences punishable under Sections 103(1), 238, 61(2), 331(8) and 3(5) of the Bharatiya Nyaya Sanhita, 2023., is hereby **rejected**.

Sd/-
(Rakesh Mohan Pandey)
Judge

Kunal