CGHC010370562026 2026:CGHC:46040

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 9121 of 2026

1 - Pavitra Nishad @ Pankaj S/o Tukaram Nishad Aged About 30 Years R/o Village- Dandesara, Near Bharat Kirana Stores, Chowki- Jevra Sirsa, Police Station- Pulgaon, Durg, District- Durg (C.G.)

--- **Applicant**

versus

1 - State Of Chhattisgarh Through- Station House Officer, Police Station- Pulgaon, District- Durg, (C.G.)

--- **Non-applicant/State**

For Applicant	**:**	Ms. Aditi Singhvi, Advocate
For Non-applicant /State	**:**	Mr. Kanwaljeet Saini, Dy. A.G.

MCRC No. 9744 of 2026

1 - Marshal Rajput S/o Shri Rakesh Rajput, Aged About 31 Years R/o Qr. No. 03, Koyal Nagar, Kohka, P. S. Supela, District - Durg C.G.

… Applicant

versus

1 - State Of Chhattisgarh Through Station House Officer, Police Station Pulgaon, District Durg C.G.

... Non-applicant

For Applicant	**:**	Mr. Sunil Otwani, Senior Advocate with Mr. Abhinav Singh Chandel, Advocate
For Non-applicant /State	**:**	Mr. Kanwaljeet Saini, Dy. A.G.

Hon'ble Shri Justice Rakesh Mohan Pandey

Order on Board

30/10/2026

1. Since both of these bail applications arise out of a common crime No., therefore, they are being decided by this common order.

2. The applicants have preferred these second bail applications under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail as they have been arrested in connection with Crime No. 153/2024 registered at Police Station Pulgaon, District Durg (C.G.) whereby applicant Pavitra Nishad @ Pankaj has been booked for offence punishable under Sections 120B and 201 of IPC whereas applicant Marshal Rajput has been booked for offence punishable under Sections 302, 450, 120B, 201, 376(2)(n) of the IPC, Sections 4 and 6 of POCSO Act and Sections 25 and 27 of the Arms Act.

3. Case of the prosecution, in brief, is that the present applicants along with co-accused Chumendra Nishad conspired to kill the deceased minor as there was a love affair between co-accused Chumendra Nishad and deceased minor, however, marriage of Chumendra Nishad was fixed with another girl. It is alleged that as the deceased minor raised objection, therefore, co-accused Chumendra Nishad and the present applicants conspired to kidnap the minor deceased and thereafter, kill her. In the intervening night of 06/03/2024 and 07/03/2024, co-accused Chumendra Nishad went inside the house of the deceased minor and when she refused, she was assaulted with wooden plank and since the said incident was witnessed by her grandmother, therefore, co-accused Chumendra Nishad slit her grandmother's throat with knife and thereafter, also killed the minor. It is alleged that the present applicants were waiting outside of the house of the minor deceased. During the course of the investigation, co-accused Chumendra Nishad and the applicants were taken into custody and the main accused Chumendra Nishad underwent Narco Test and admitted his guilt, however, on the strength of his memorandum statement, the present applicants were also implicated in the said offence.

4. Mr. Sunil Otwani, learned Senior Advocate leading the argument, would submit that there is no material against the present applicants and they are not involved in the commission of murder of the minor victim or her grandmother. The main accused is co-accused Chumendra Nishad who has also admitted his guilt in

Narco Test. It is further argued that initially charges under Section 201 and 120B were framed against both the applicants herein whereas against co-accused Chumendra Nishad, charges under Sections 302, 450, 120B, 201, 376(2)(n) of the IPC, Sections 4 and 6 of POCSO Act and Sections 25 and 27 of the Arms Act have been framed. He would further contend that the charge-sheet has already been filed and the applicant Pavitra Nishad @ Pankaj has been in judicial custody since 11/10/2025 whereas applicant Marshal Rajput has been in judicial custody since 14/10/2025. It is also argued that though there are criminal antecedents of the present applicants, but most of the cases, they have been acquitted, thus, he would pray for grant of bail to both the applicants.

5. On the other hand, Mr. Kanwaljeet Saini, learned counsel appearing for the non-applicant/State, would oppose the bail applications and submit that applicant Pavitra Nishad @ Pankaj has four criminal antecedents whereas applicant Marshal Rajput has nine criminal antecedents, therefore, it appears that they are habitual offencders and thus, their bail applications are liable to be dismissed.

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

7. As has been informed by Mr. Sunil Otwani, learned Senior Advocate, that out of 9 criminal antecedents registered against

applicant Marshal Rajput, in 7 cases, he has been acquitted whereas 2 cases which have been registered under the provisions of the NDPS Act and Excise Act are still pending. Further out of four cases registered against applicant Pavitra Nishad @ Pankaj, in one case, he has already been acquitted whereas three cases registered against him are under the provisions of Excise Act and for offence punishable under Sections 294, 323, 506(B), 325, 34 of IPC registered in the year 2021.

8. Thus, taking into consideration the facts and circumstances of the case, particularly considering that main accused is co-accused Chumendra Nishad; further considering that charge-sheet has already been filed, the applicants are in judicial custody since 11/10/2025 and 14/10/2025, respectively, and the conclusion of the trial is likely to take some time, without commenting on the merits of the matter, this Court is inclined to enlarge the applicants on regular bail. Accordingly, both the bail applications are **allowed**.

9. It is directed that in the event of the applicants executing a personal bond for a sum of **Rs.50,000/-** each with one surety in the like sum to the satisfaction of the concerned trial Court, they shall be released on bail, on following conditions :-

    (i) they 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 them from disclosing such fact to the Court,

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

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

10. The observation made hereinabove is for the purpose of deciding this bail application only, the trial Court shall decide the case on its own merits.

Sd/-

(Rakesh Mohan Pandey)

JUDGE

Harneet