VED PRAKASH DEWANGAN

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HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 9440 of 2026

1 - Raju Chouhan S/o Ramkrishna Chouhan Aged About 24 Years R/o Hirri, Thana Baramkela, Distt. Sarangarh Bilaigarh, Chhattisgarh.

2 - Shravan Kumar Sarthi S/o Tiharu Ram Sarthi Aged About 27 Years R/o Tiur Khadiyapara, Thana Gharsiya, Distt. Raigarh, Chhattisgarh.

3 - Aatmaram Sarthi S/o Venudhar Sarthi Aged About 30 Years R/o Karrakot, Chouhanpara, Thana Sariya, Distt. Sarangarh Bilaigarh, Chhattisgarh.

... Applicants

versus

State Of Chhattisgarh Through Police Station Baramkela, Distt. Raigarh, Chhattisgarh.

... Respondent

(Cause title taken from Case Information System)

For Applicants	:	Mr. Awadh Tripathi, Advocate
For Respondent/State	:	Mr. Rishi Raj Pathawa, Deputy G.A.

Hon'ble Shri Justice Ravindra Kumar Agrawal

Order on Board

29/10/2026

1. This is the first bail application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed by the applicants, who are

arrested on 25.07.2024, in connection with Crime No. 132 of 2024, registered at Police Station Baramkela, District Sarangarh-Bilaigarh (C.G.) for the offence under Sections 103(1), 61(2), 238, 3(5) of Bharatiya Nyaya Sanhita, 2023 and Sections 25 and 27 of Arms Act.

2. The case of prosecution is that, on 23.07.2024, the dead body of the deceased Hari Ram Patel was found near Boirdipa turning at village Singarpur. Merg was intimated to the police and dead body was sent for its postmortem. During postmortem, number of injuries were found on the dead body of the deceased and the doctor has opined that cause of death is cardiopulmonary arrest due to hemorrhagic shock due to head injury and nature of death is homicidal. FIR has been registered against unknown person. During investigation, one motorcycle having its broken mirror, carry bag, blood stained and plain soil and sword like weapon have been seized from the spot. The present applicants and other co-accused persons were interrogated by the police and then they disclosed in their memorandum statement that they have committed murder of the deceased and threw his body and weapon of assault on the side of the road and burnt his clothes. From the co-accused Gokul Sidar, his motorcycle and mobile phone, from Minendra Sarthi, one Ertiga car, motorcycle and iron rod, from the accused Hemanand @ Guddu Sarthi, the burnt remains and mobile phone have been seized. The call details of mobile phones seized from the accused Gokul Sidar and Hemanand were obtained and statement of the witnesses have been recorded. The applicants and other accused persons have been arrested and charge sheet has been filed.

3. Learned counsel appearing for the applicants would submit that, the applicants are innocent and have falsely been implicated in the offence. Except their memorandum statement, there is no other incriminating material available in the charge sheet, which connect them with the offence in question. Nothing has been seized from the present applicants and even in the call details of mobile phones seized from other accused persons, there is nothing to show that the present applicants had any conversation with the other accused persons at the relevant point of time. There is no material with respect to any conspiracy between them, even there is no evidence that before the alleged incident, they were seen together with the other accused persons or the deceased. There is no evidence of motive against the present applicants to commit murder of the deceased. The applicants are in jail since 25.07.2024. Out of total 31 witnesses, only 7 witnesses have been examined till 07.05.2026. The memorandum and seizure witnesses Kamaldhar and Manohar have been examined as PW-2 and PW-7 and they have not duly supported the prosecution's case. The final adjudication of the case will take its own time, the applicants have no any criminal antecedent. Therefore, they may be released on bail. In support of his submission, he would rely upon the judgment of **Madhu v. State of Kerala**, 2012(2) SCC 399.

4. On the other hand, learned counsel appearing for the State opposes the submissions made by learned counsel for the applicants and submitted that, the present is a case of criminal conspiracy and murder of the deceased for which there is sufficient evidence available in the charge sheet that all the accused persons conspired and committed

murder of the deceased. From the call details record and also from the memorandum statement and the statement of the witnesses, there is prima facie evidence available in the charge sheet that the present applicants are also involved in the offence in question. He would further submit that the first bail application of co-accused Gokul Sidar has been rejected by this Court on 20.12.2024 in MCRC No. 8348 of 2024 and his second bail application has again dismissed vide order dated 20.01.2026, passed in MCRC No. 743 of 2026. The allegation against the present applicants are almost similar that all the accused persons conspired together and committed the murder of the deceased. There is sufficient material with respect to motive to commit murder that there was money dispute between the deceased and the co-accused Hemanand Sarthi and co-accused Hemanand Sarthi made a plan with other accused persons to commit murder of the deceased, on the date of incident all of them had followed the deceased by their own vehciles and thereafter they committed his murder. The trial of the case is in progress and 7 witnesses have already been examined till 07.05.2026. He would also submit that while rejecting the second bail application of the applicant Gokul Sidar on 20.01.2026, this Court has already directed the learned trial Court to expedite the trial of the case. Therefore, the applicants are not entitled to be released on bail.

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

6. Considering the submissions made by the parties, considering the material collected during the investigation and the allegation against

the present applicants regarding their involvement in the offence in question, the nature of allegation that all the accused persons hatched conspiracy and committed murder of the deceased, the trial of the case is in progress and 7 witnesses have already been examined, bail application of co-accused Gokul Sidar has been rejected twice by this Court vide order dated 20.12.2024 and 20.01.2026 and the similar allegation of conspiracy and murder of the deceased are there, this Court is not inclined to release the present applicants on bail. This Court has already directed the learned trial Court to expedite the trial of the case vide order dated 20.01.2026, passed in MCRC No. 743 of 2026. The judgment of Madhu (supra) is on the merits of the case, therefore, while considering the bail application, no benefit could be extended to the applicants by that judgment.

7. Accordingly, the bail application of the present applicants- **Raju Chouhan, Shravan Kumar Sarthi** and **Atmaram Sarthi** is **rejected**.

Sd/-
(Ravindra Kumar Agrawal)
Judge

ved