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KUNAL DEWANGAN

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HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 9398 of 2026

Gaurishankar @ Gautriha Sahu S/o Vishnu Sahu Aged About 32 Years R/o Awaspara, Bahatarai, P.S Sakri, Dist. Bilaspur (C.G.)

... Applicant(s)

versus

State Of Chhattisgarh Through The P.S Sakri, Dist. Bilaspur (C.G.)

... Non-Applicant(s)

For Applicant	:	Mr. S.C. Verma, Senior Advocate along with Mr. Sajal Kumar Gupta, Advocate.
For Non-Applicant/State	:	Mr. Jitendra Shrivastava, Govt. Advocate.

Hon'ble Mr. Rakesh Mohan Pandey, Judge

Order on Board

26/10/2026

1. The applicant has preferred this first bail application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, as he has been arrested in connection with Crime No. 373/2025, registered at Police Station Sakri, District Bilaspur (C.G.), for the offence punishable under Section 103(1) of the Bharatiya Nyaya Sanhita, 2023.

2. The prosecution story, in brief, is that on 08.06.2025, at about 8:30 a.m., the applicant, namely Gauri Shankar @ Gautriha Sahu, allegedly committed the murder of his wife, Ratna Sahu, at their

matrimonial residence situated at Awas Para, Bahatarai, District Bilaspur. It is alleged that the deceased suspected the applicant of having an illicit relationship with another woman, on account of which frequent matrimonial disputes arose between them. On the date of incident, during a quarrel over the said issue, the applicant allegedly assaulted the deceased repeatedly on her head and face with an iron tawa, causing multiple grievous injuries resulting in her death at the spot. On the basis of the Dehati Nalishi lodged by Suresh Kumar Sahu, maternal uncle of the deceased, the aforesaid offence was registered against the applicant.

3. Learned Senior Advocate appearing for the applicant would submit that the applicant is innocent and has been falsely implicated in the present case. He would submit that the entire prosecution case rests upon circumstantial evidence and there is no eyewitness to the alleged occurrence. The material prosecution witnesses examined so far, including PW-2, the mother of the deceased, have not witnessed the alleged incident and their statements are primarily based upon information received from other persons. He would further submit that merely because there were matrimonial disputes between the applicant and the deceased, the same cannot, by itself, establish the applicant's involvement in the alleged commission of murder.

4. Learned Senior Advocate would further submit that the prosecution has placed reliance upon the alleged confessional statement of the applicant, which is inadmissible in evidence. In support of his

submission, he would place reliance upon the judgment of the Hon'ble Supreme Court in *Aghnoo Nagesia v. State of Bihar*, AIR 1966 SC 119, wherein it has been held that a confession made to a police officer is inadmissible in evidence, except to the limited extent permissible in respect of facts discovered pursuant to such information. He would contend that the prosecution cannot rely upon the inadmissible portions of the alleged confessional statement to establish the motive or involvement of the applicant. He would further submit that PW-1 Suresh Kumar Sahu, during his cross-examination, categorically admitted that the applicant had not stated in his presence that he had assaulted his wife with an iron tawa. Thus, the alleged confessional statement cannot be treated as an incriminating circumstance against the applicant.

5. Learned Senior Advocate would also submit that the scientific evidence collected during investigation does not conclusively connect the applicant with the alleged offence. As per the FSL report, the blood grouping in respect of Exhibits F and G, relating to the clothes allegedly seized from the applicant, was found to be inconclusive. It is submitted that in the absence of any scientific evidence establishing that the blood found on the seized articles belonged to the deceased, the mere presence of human blood cannot be treated as conclusive evidence against the applicant. He would further submit that the testimony of PW-4 discloses irregularities in the collection and handling of biological samples, which also casts doubt upon the reliability of the forensic evidence.

6. Learned Senior Advocate would further submit that the applicant is in judicial custody since 08.06.2025 and has undergone incarceration for more than one year and four months. The investigation has already been completed and the charge-sheet has been filed. Out of 23 prosecution witnesses cited in the charge-sheet, only five witnesses have been examined so far and 18 witnesses are yet to be examined. Therefore, the conclusion of trial is likely to take considerable time. He would further submit that the applicant cannot be subjected to indefinite pre-trial detention merely on account of the seriousness of the allegations.

7. In support of his submission regarding prolonged incarceration and the right to speedy trial, learned Senior Advocate would place reliance upon the judgment of the Hon'ble Supreme Court in *Mahesh Chandra Joshi v. State of Rajasthan*, 2026 INSC 1141, decided on 16.10.2026, arising out of SLP (Criminal) No. 15822/2026, wherein the Hon'ble Supreme Court emphasised that the gravity of allegations alone cannot justify indefinite pre-trial detention and that the right to personal liberty and speedy trial guaranteed under Article 21 of the Constitution of India must receive due consideration while deciding an application for bail. He would submit that the principles laid down in the aforesaid judgment are applicable to the present case, particularly considering the period of incarceration already undergone by the applicant and the slow progress of trial.

8. Lastly, learned Senior Advocate would submit that the applicant has

no criminal antecedents and is the sole earner of his family. He has two minor daughters, aged approximately three years and fifteen months, respectively, who are deprived of his care and support. The applicant is also required to look after his aged and physically disabled father, whose disability certificate has been filed as Annexure A/4. He would further submit that since the investigation is complete and the charge-sheet has already been filed, no further custodial interrogation is required and there is no reasonable apprehension of the applicant either absconding or tampering with the prosecution evidence. Therefore, considering the totality of the circumstances, he prays for grant of bail to the applicant.

9. On the other hand, learned State counsel would vehemently oppose the prayer for grant of bail and submit that the applicant is facing a serious allegation of having committed the murder of his own wife, Ratna Sahu, on 08.06.2025 at about 8:30 a.m. inside their matrimonial residence situated at Awas Para, Bahatarai, District Bilaspur. It is submitted that the deceased suspected the applicant of having an illicit relationship with another woman, on account of which frequent matrimonial disputes arose between them. On the date of incident, during a quarrel over the said issue, the applicant allegedly assaulted the deceased repeatedly on her head and face with an iron tawa, causing multiple grievous injuries, resulting in her death at the spot.

10. Learned State counsel would further submit that the Dehati Nalishi lodged by Suresh Kumar Sahu, maternal uncle of the deceased,

discloses that the applicant had been frequently quarrelling with and assaulting the deceased after their marriage. The statements recorded under Section 180 of BNSS wherein Suresh Kumar Sahu, Santosh Kumar Sahu and Ganesh Ram Sahu also disclose that earlier attempts were made to resolve the matrimonial disputes through intervention of family members and counselling before the Women's Police Station, Bilaspur. He would further submit that Dr. Alka Sharma, a family counsellor, has stated in her statement recorded under Section 180 of BNSS that the dispute between the applicant and the deceased was taken up before the Family Counselling Centre in December 2024, where counselling sessions were conducted on 31.12.2024, 07.01.2025 and 14.01.2025. Thereafter, the matter was settled upon both parties agreeing to live peacefully. Thus, the prosecution has collected material indicating previous matrimonial discord between the applicant and the deceased, which is relied upon as a circumstance relating to the alleged motive.

11. Learned State counsel would further submit that during investigation, an iron tawa fitted with a wooden handle and bearing suspected bloodstains was seized from the place of occurrence near the body of the deceased. Apart from the said weapon, bloodstained cotton collected from the floor, control cotton, broken bangles and a polythene bag bearing suspected bloodstains were also seized from the spot. It is further submitted that pursuant to the memorandum statement attributed to the applicant, a maroon-coloured T-shirt and black and light-blue shorts bearing suspected

bloodstains were seized at his instance. The clothes of the deceased, including her saree, blouse, petticoat and undergarments, along with other biological samples, were also preserved and seized during investigation.

12. Learned State counsel would also submit that the memorandum statement attributed to the applicant refers to the matrimonial dispute arising out of the deceased's suspicion regarding his relationship with another woman. It is alleged that the applicant disclosed information concerning the assault with an iron tawa and the concealment of his clothes, pursuant to which certain articles were recovered. The prosecution relies upon the legally admissible portion of the information, if any, leading to discovery of the articles, along with the other circumstances collected during investigation.

13. Learned State counsel would further draw the attention of this Court to the post-mortem report, which reveals multiple lacerated wounds over the head and face of the deceased, including six intersecting lacerated wounds over the left side of the face and forehead, measuring approximately 11 × 8 cm, with underlying comminuted fractures of the facial bones, orbital bone and left frontal bone. The post-mortem examination also revealed extensive scalp ecchymosis, subdural haemorrhage and subarachnoid haemorrhage. The autopsy surgeon opined that all the injuries were ante-mortem in nature, caused by a hard, heavy and blunt object, and were sufficient to cause death in the ordinary course of nature. The cause of death was attributed to multiple injuries to the face

and head and their complications and the manner of death was opined to be homicidal.

14. Learned State counsel would further submit that although there is no direct eyewitness to the alleged occurrence, the prosecution case is supported by circumstantial evidence, including the previous matrimonial disputes between the applicant and the deceased, the seizure of a bloodstained iron tawa from the place of occurrence, the alleged recovery of bloodstained clothes and the medical evidence indicating multiple fatal injuries on the head and face of the deceased. He would further submit that the alleged contradictions in the testimony of prosecution witnesses and the inconclusive findings of the FSL report are matters requiring appreciation during trial. It is submitted that the absence of direct eyewitness evidence does not, by itself, render the prosecution case doubtful at the stage of consideration of bail. Considering the nature and gravity of the offence, the specific allegations against the applicant and the material collected during investigation, the applicant is not entitled to be released on bail merely on the ground of prolonged incarceration. Therefore, he prays for rejection of the bail application.

15. I have heard learned counsel appearing for the parties and perused the case diary as well as the material available on record.

16. Having considered the rival submissions advanced by learned counsel for the parties and upon perusal of the material available on record, it appears that the applicant is facing an allegation of having

committed the murder of his wife, Ratna Sahu, on 08.06.2025 inside their matrimonial residence by allegedly inflicting repeated blows upon her head and face with an iron tawa. The post-mortem report reveals multiple ante-mortem injuries, including extensive lacerated wounds over the face and head, comminuted fractures of the facial bones and intracranial haemorrhages. The autopsy surgeon has specifically opined that the injuries were caused by a hard, heavy and blunt object, were sufficient to cause death in the ordinary course of nature and that the death was homicidal in nature. Thus, the medical evidence prima facie establishes that the deceased suffered a violent homicidal death. It further appears that the prosecution has collected material regarding previous matrimonial disputes between the applicant and the deceased. The statements recorded under Section 180 of BNSS wherein Suresh Kumar Sahu, Santosh Kumar Sahu and Ganesh Ram Sahu, coupled with the statement of Dr. Alka Sharma regarding counselling proceedings conducted in December 2024 and January 2025, prima facie indicate that disputes had existed between the spouses and that attempts had been made to resolve the same. Although the existence of matrimonial discord, by itself, cannot establish the applicant's guilt, the said material assumes relevance as a circumstance relating to the alleged motive when considered along with the other material collected during investigation.

17. So far as the contention of learned Senior Advocate that there is no eyewitness to the occurrence and that the prosecution case rests entirely upon circumstantial evidence is concerned, it is well settled

that the absence of direct eyewitness evidence does not, by itself, render the prosecution case unsustainable. In the present case, apart from the alleged motive, the prosecution relies upon the seizure of an iron tawa bearing suspected bloodstains from the place of occurrence near the body of the deceased, the collection of bloodstained material from the spot and the alleged recovery of clothes bearing suspected bloodstains at the instance of the applicant. These circumstances, when considered along with the medical evidence, constitute material requiring examination during trial. Whether the prosecution has succeeded in establishing a complete and unbroken chain of circumstances pointing towards the guilt of the applicant is a matter to be determined by the learned trial Court upon appreciation of the entire evidence.

18. As regards the reliance placed by learned Senior Advocate upon the judgment of the Hon'ble Supreme Court in *Aghnoo Nagesia v. State of Bihar*, AIR 1966 SC 119, there can be no dispute regarding the settled principle that a confessional statement made to a police officer is inadmissible in evidence, except to the limited extent permitted by law in relation to the discovery of facts. Accordingly, the alleged confessional portion of the memorandum statement attributed to the applicant cannot be treated as substantive evidence of his guilt. However, the admissibility and evidentiary value of any information leading to the discovery of articles, together with the other circumstances relied upon by the prosecution, are matters to be examined in accordance with law. The present consideration of bail does not require this Court to determine

conclusively the admissibility or probative value of each item of evidence.

19. This Court has also considered the submission regarding the alleged contradictions and improvements in the testimony of PW-1 Suresh Kumar Sahu, particularly his admission during cross-examination concerning the alleged statement attributed to the applicant. Likewise, the submission that PW-2, the mother of the deceased, is not an eyewitness has also been taken into consideration. However, the prosecution case is founded upon circumstantial evidence and not solely upon the testimony of the aforesaid witnesses. The effect of the alleged contradictions, the credibility of the witnesses and the weight to be attached to their respective depositions are matters requiring appreciation during trial. At this stage, it would not be appropriate to undertake a detailed evaluation of their testimony or record any conclusive finding which may prejudice either party.

20. So far as the FSL report is concerned, learned Senior Advocate has specifically pointed out that the blood grouping in respect of Exhibits F and G was found to be inconclusive. This Court is conscious of the fact that an inconclusive blood-grouping result does not establish that the blood detected on the seized articles belonged to the deceased. Consequently, such a result cannot, by itself, be treated as a conclusive circumstance connecting the applicant with the alleged offence. Nevertheless, the inconclusive nature of the said finding does not automatically negate the other circumstances

relied upon by the prosecution. Similarly, the alleged irregularities in the collection and handling of biological samples, as pointed out with reference to the testimony of PW-4, are matters requiring examination during trial. The prosecution would be required to establish the authenticity, admissibility and evidentiary value of the relevant material in accordance with law.

21. This Court has further considered the submission regarding prolonged incarceration and the slow progress of trial. The applicant is stated to be in judicial custody since 08.06.2025 and out of 23 prosecution witnesses cited in the charge-sheet, only five witnesses have been examined so far. Thus, 18 prosecution witnesses remain to be examined. The right to personal liberty and speedy trial guaranteed under Article 21 of the Constitution of India is undoubtedly an important consideration while deciding an application for bail. However, the period of incarceration and the pace of trial are required to be assessed in the light of the facts and circumstances of each case, including the nature of the accusation, the material available against the accused and the reasons for delay, if any.

22. Learned Senior Advocate has also placed reliance upon the judgment of the Hon'ble Supreme Court in *Mahesh Chandra Joshi v. State of Rajasthan*, 2026 INSC 1141, in support of the contention that prolonged incarceration and delay in conclusion of trial constitute relevant considerations for grant of bail. The principle that an undertrial cannot be subjected to indefinite incarceration merely

on account of the gravity of the accusation is not in dispute. However, the entitlement to bail must necessarily be examined on the facts of the individual case. In the present case, having regard to the specific allegation of murder of the applicant's wife within the matrimonial residence, the nature and multiplicity of the fatal injuries, the medical opinion regarding homicidal death and the circumstantial material relied upon by the prosecution, this Court is of the considered view that the period of incarceration undergone by the applicant, though a relevant consideration, does not presently outweigh the other circumstances bearing upon the prayer for grant of bail. This Court has also taken into consideration the submission that the applicant has no criminal antecedents, that the investigation has been completed and the charge-sheet has already been filed, and that his two minor daughters and aged, physically disabled father are dependent upon him. While these circumstances deserve consideration, the same cannot be viewed in isolation from the nature of the accusation and the material collected during investigation. The absence of criminal antecedents and completion of investigation are relevant factors, but they do not confer an automatic entitlement to bail in a case involving an allegation of murder.

23. Thus, considering the totality of the facts and circumstances of the case, nature and gravity of the offence alleged against the applicant, the specific allegation of repeated assault upon the head and face of the deceased with a hard and blunt object, the post-mortem findings indicating multiple fatal injuries and homicidal

death, the material relating to previous matrimonial disputes, the recoveries effected during investigation and the other circumstantial evidence relied upon by the prosecution and having also considered the submissions regarding absence of eyewitnesses, alleged contradictions in the prosecution evidence, inconclusive FSL findings, prolonged incarceration, progress of trial and family circumstances of the applicant, this Court, without expressing any opinion on the merits of the case, does not find sufficient grounds at this stage to enlarge the applicant on regular bail.

24. Accordingly, the present bail application is hereby **dismissed**.

25. It is made clear that the observations made hereinabove are confined only to the consideration of the present bail application and shall not influence the learned trial Court while deciding the case on its own merits, in accordance with law.

Sd/-
(Rakesh Mohan Pandey)
Judge

Kunal