CGHC010388382026 2026:CGHC:46954

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CRA No. 2530 of 2026

1 - Mukesh Das Mahant S/o Late Agar Das Mahant Aged About 24 Years R/o Dholpur, P.S. Hardibazar, Presently R/o Gevra Basti, P.S. Kusmunda District -Korba (C.G.)

... Appellant

versus

1 - State Of Chhattisgarh Through Police Station AJAK, Korba, District - Korba (C.G.) (Correclly Mentioned As Per Impugned Order Page 8 A / 1)

... Respondent

For Appellant	**:**	Mr. Anshul Tiwari, Advocate
For Respondent/State	**:**	Mr. Kalpesh Ruparel, P.L.

Hon'ble Shri Justice Sanjay Kumar Jaiswal

Order On Board

05/11/2026

1. This criminal appeal under Section 14-A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short ‘the Act, 1989’) has been filed against the order dated 21.08.2026 passed by the Special Judge under S.C./S.T. (P.A.)

Act,. Korba, District Korga for grant of regular bail to the appellant, who has been arrested in connection with Crime No.144/2025 registered at Police Station – AJAK Korba, District Korba (C.G.) for commission of offence punishable under Section 80(2) of BNS and Section 3(2)(v) of the Act 1989.

2. Case of the prosecution is that on 17.01.2025, in connection with the death of deceased - Kajal Bhardwaj, who is sister-in-law (bhabhi) of the appellant and wife of co-accused Kamlesh Mahant, age 21 years, resident of Somwari Bazar Dipka, Police Station Dipka, District Korba, the informant/resident of District Hospital Korba, came and presented the hospital memo, in which it was written that the deceased died on the date of the incident, which was taken up in Panchnama proceedings by establishing Merg on the report of the informant. After the Merg Panchnama, as the place of incident was Police Station Dipka, the actual Merg was registered in Police Station Dipka, and on investigation, it was found that the deceased consumed poison due to demand of dowry and being of scheduled caste and being fed up with the harassment by her in-laws, Crime No. 144/2025 under Section 80 (2) BNS was registered in Police Station Dipka. The investigation revealed that the present appellant along with other co-accused persons had been harassing the newly married woman, deceased/Kajal Bhardwaj, on the pretext that she had not brought dowry because she belonged to a scheduled caste. The victim/Kajal Bhardwaj, consumed poison and died during

treatment in District Hospital Korba. During investigating, the appellant and other co-accused persons namely Kamlesh Mahant (husband of the deceased), Laxmin Bai (mother-in-law of the deceased), Ragni Mahant (sister-in-law of the deceased), Rajkumari Markam (sister-in-law of the deceased) (brother in law) and Ramayan Singh Markam (son-in-law of the deceased) have been taken into custody by Police Station AJAK, Korba on 25.11.2025 and the aforesaid offences have been registered against them.

3. Learned Counsel appearing for the appellant submits that the appellant is innocent and has been falsely implicated in the case. He further submits that in the present crime, five co-accused persons have already been enlarged on bail vide order dated 02.02.2026 passed in CRA No.68/2026, and the case of the present appellant is at par with that of the said co-accused persons. It is further submitted that Narayan Prasad Bhardwaj (PW-1) and Leela Bai Bhardwaj (PW-2), father and mother of the deceased respectively, in their court statements, have not made any specific allegation against the present appellant. Learned counsel also submits that the appellant has been in custody since 18.02.2026 and the trial is likely to take considerable time to conclude. Therefore, considering the period of detention, parity with the co-accused persons who have been granted bail, and the likelihood of delay in conclusion of the trial, it is prayed that the appellant may be enlarged on bail.

4. On the other hand, learned Counsel appearing for the State opposes the bail application.

5. The complainant/victim did not appear before this Court through video conferencing despite the notice.

6. I have heard learned Counsel appearing for the parties and perused the documents available on record.

7. Considering the facts and circumstances of the case, particularly taking into consideration the fact that co-accused persons in CRA No.68/2026, have already been granted bail, the period of detention undergone by the appellant, and the likelihood of the trial taking some time to conclude, without expressing any opinion on the merits of the case, this Court is of the opinion that it would be appropriate to release the appellant on bail.

8. Accordingly, the appeal is **allowed** and the impugned order dated 21.08.2026 passed by the learned Trial Court is set-aside.

9. It is directed that the appellant shall be released on bail on his executing a personal bond for a sum of Rs. 25,000/- with one surety for the like sum to the satisfaction of the Trial Court for his appearance before the said Court as and when directed.

Sd/-

(**Sanjay Kumar Jaiswal**)
Judge

Digitally signed by VIJAY BHARATRAO PEKDE
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