CGHC010388482026

HIGH COURT OF CHHATTISGARH AT BILASPUR

CRA No. 2544 of 2026

Kamlesh Mahant S/o Late Agar Das Mahant Aged About 31 Years R/o Dholpur, P.S. Hardibazar, Presently R/o Quarter Number Block I/102, P.N.G. Colony, Mudapar Outpost Manikpur, P.S. Kotwali District Korba Chhattisgarh **... Appellant**

versus

State of Chhattisgarh through Police Station Ajak, Korba, District Korba Chhattisgarh (Correctly Mentioned As Per Impugned Order Page 8 A/1) **... Respondent**

For the appellant	**:**	Mr. Anshul Tiwari, Advocate
For Respondent(s)	**:**	Mr. Suresh Tandon, Panel Lawyer

(Hon'ble Shri Justice Sanjay Kumar Jaiswal)

Order on Board

13/10/2026

1. This appeal is filed under Section 14-A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 for grant of regular bail to the appellant as he was arrested in Crime No. 144/2025 registered at P.S. Ajak, Distt. Korba (Chhattisgarh) for the offence punishable under Sections 80(2) read with section 3(5) of the BNS, 2023 and Sections 103 read with Section 3 (5) of the BNS 2023 and Section 3 (2)

(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

2. By impugned order dated 16.09.2026 passed by the learned Special Judge under SC/ST (Prevention of Atrocities) Act, 1989 in Special Case (SC/ST) No.6/2026 the application filed by the applicant for grant of regular bail has been rejected, which is under challenge in appeal.

3. This is second bail application. The charge sheet has not been filed when the first bail application of the appellants stood rejected by order dated 02.02.2026 passed in CRA No. 68/2026.

4. Despite service of notice, no body has chosen to appear on behalf of the complainant.

5. The prosecution case in brief is that there are total 7 accused persons. Deceased Kajal Agrawal, wife of present applicant has consumed poison and died on 17.01.2025 during treatment. According to the merg enquiry, she had entered into a love marriage with applicant Kamlesh Mahant about one and half years prior to the incident. It is alleged that after the marriage, her husband, mother-in-law, sisters-in-law along with other accused Rajkumari Markam and her husband Ramayan Singh harassed her for not bringing dowry and on the ground of she being a Scheduled Caste. Unable to bear the alleged harassment, the deceased consumed poison and died. Based on above, offence has been registered against the appellants.

6. Learned counsel for the appellant submits that subsequent to the rejection of first bail application, out of total 7 accused, 5 have been enlarged on bail by two separate orders dated 01.07.2026 & 25.08.2026 passed in CRA No.1357 of 2026 & CRA No. 2046 of 2026 respectively and the case of the present applicant also rests on similar footing. He submits that till date, out of total 20 witnesses, only 5 have been examined. Out of these 5 witnesses, 2 have not supported the prosecution case regarding

demand of dowry, therefore, changing circumstances took place after rejection of first bail application. He further submits that the present appellant is in jail since 25.11.2025 and there is no immediate possibility of disposal of the case, therefore, he may be enlarged on bail.

7. Per contra, learned State Counsel opposes the prayer for grant of bail and supports the order of the trial Court. He submits that the death of deceased Kajal's was due to consumption of poison on account of dowry harassment and the applicant was her husband. He also submits that prior to this incident, deceased herself lodged FIR against the appellant in P.S. Kusmunda which has been registered vide Crime No.271/2024 and the main allegation of harassment is against him. The case of other co-accused who have been enlarged on bail is different from that of the present applicant. therefore, the applicant does not deserve to be released on bail.

8. I have heard learned counsel appearing for the parties and perused the documents available on record.

9. Having considered the overall facts and circumstances of the case as also the fact that the case of the other accused who have been enlarged on bail is different from that of the present appellant as the main allegation is against him, it would not be appropriate to release the appellant on bail. Accordingly, this appeal is **rejected.**

10. However, looking to the custody period of the appellant, the trial Court is directed to expedite the trial as early as possibly within a period of 6 months from the date of receipt of a copy of this order.

11. A copy of this order be sent to the trial Court for information.

Sd/-
(Sanjay Kumar Jaiswal)
Judge

Rao

ALLENA ANNAJEE RAO
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Date: 2026.10.14 10:14:38 +0530