NIRMALA
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CGHC010394212026 2026:CGHC:45771

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 9623 of 2026

1 - Vikas Nirmalkar S/o Shri Ajay Nirmalkar, Aged About 21 Years R/o Ward No. 15, Chakarbhata P.S. Chakarbhata Distt- Bilaspur (C.G.)

... Petitioner(s)

versus

1 - State Of Chhattisgarh Through Station House Officer, Police Station Chakarbhata, Distt- Bilaspur (C.G.)

... Respondent(s)

For Applicant	:	Shri Vishambhar Kaushik, Advocate.
For Non-applicant/State	:	Ms. Laxmeen Kashyap, P.L.

HON'BLE SHRI JUSTICE RAKESH MOHAN PANDEY

Order on Board

29/10/2026

1. This is the first bail application filed under Section 483 of the Bhartiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail to the applicant who has been arrested in connection with Crime No.341/2026 registered at Police Station Chakarbhata, District Bilaspur (C.G.), for the offence punishable under Sections 109, 238, 103 & 3(5) of BNS.

2. The case of the prosecution, in brief, is that Police Station Chakarbhata received information that the body of an injured person was lying near Asha Vihar, Sindhi Marghat, Chakarbhata. It is further the case of the prosecution that, on 31.5.2026, at about 11:40 p.m., the injured, Shadab Khan, and the accused persons, namely, Chandrapal @ Nanu Pandey, Raja Yadav, Vikas Nirmalkar, Adarsh @ Shani Sahu, and others, were bursting firecrackers while under the influence of alcohol. An altercation ensued between the injured, Shadab Khan, and Ashu Patel @ Putte. It is alleged that Ashu Patel assaulted Shadab Khan with a knife. It is further alleged that six accused persons, namely, Deva Manikpuri, Adarsh @ Shani Sahu, the present applicant - Vikas Nirmalkar, Raja Yadav, Chandrapal @ Nanu Pandey, and Ashu Patel @ Putte, assaulted the injured with their hands and fists and with weapons, including a knife. In the said incident, Shadab Khan sustained a cut injury on his neck, and blood was oozing from his nose and ears. During the course of treatment, he succumbed to his injuries on 1.7.2026. On the basis of the complaint, the police registered the aforesaid offence against the present applicant.

3. Learned counsel for the applicant would submit that the applicant is innocent and has been falsely implicated in the present case. He would further submit that no article was seized from his possession, the charge-sheet has already been filed, the applicant has been in jail since 25.6.2026, and he has no criminal antecedents. He would, therefore, pray for grant of regular bail to the applicant.

4. On the other hand, learned counsel for the State would oppose the bail application and submit that, during the course of the investigation, the accused persons were taken into custody, their memorandum

statements were recorded, and their bloodstained clothes were seized at their instance. He would further submit that co-accused Deva Manikpuri, in his memorandum statement, stated that Ashu Patel had assaulted the deceased with a wooden club, Raja Yadav had assaulted him with a baseball bat, Deva Manikpuri had used a brick, and Ashu Patel and the present applicant, Vikas Nirmalkar, had used iron knives. At the instance of Deva Manikpuri, a bloodstained brick was seized, whereas a wooden club, a piece of a baseball bat, a bloodstained brick, and clothes were seized at the instance of Chandrapal @ Nanu Pandey, Raja Yadav, and Adarsh Sahu. At the instance of the present applicant, bloodstained clothes and a knife were seized. He would, therefore, contend that the bail application deserves to be rejected.

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

6. As per the postmortem report, 15 injuries were found on the deceased's body, including injuries to the right eyebrow, right ear pinna, right mastoid region, mid-parietal area, left parietal area, left occipital area, left eyebrow, left ear pinna, left mastoid process, right molar eminence, lower lip, right lateral aspect of the neck, anterior midline of the neck, and dorsal aspect of the left forearm. As per the postmortem report, the cause of death was cardio-cerebral damage resulting from head injury and its complications, and the manner of death was homicidal. FSL report is positive and incriminates the applicant and the other co-accused persons.

7. Having considered the facts and circumstances of the case, the gravity of the offence, the manner in which the crime was committed, the seizure of weapons allegedly used by the applicant and the other co-

accused persons, the FSL report, and the injuries sustained by the deceased, as reflected in the postmortem report, I am not inclined to allow the instant bail application.

8. Accordingly, the bail application filed by the applicant is hereby **rejected**.

Sd/-

(Rakesh Mohan Pandey)

JUDGE

Nimmi