CGHC010401002026 2026:CGHC:45989

**NAFR**

**HIGH COURT OF CHHATTISGARH AT BILASPUR**

**MCRC No. 9721 of 2026**

- Mejar Singh Sagar @ Raj Singh S/o Shailendra Singh Sagar Aged About 19 Years R/o House No. 242, Gurunanak Nagar, Ward No. 24, Station Road, Durg, District Durg (C.G.)

**... Applicant**

**versus**

- State Of Chhattisgarh Through Station House Officer, Police Station City Kotwali, Durg, District Durg (C.G.)

**... Non-applicant**

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|---|---|---|
| For Applicant | : | Mr. Amiyakant Tiwari, Advocate |
| For Non-applicant | : | Mr. Jitendra Shrivastava, G.A. |

**Hon'ble Shri Justice Rakesh Mohan Pandey**

**Order On Board**

**30.10.2026**

**1)** The applicant has preferred this First Bail Application under Section 483 of Bhartiya Nagrik Suraksha Sanhita, 2023 for grant of regular bail, as he has been arrested in connection with Crime No.48/2026, registered by Police Station City Kotwali, District Durg (C.G.) for the offence punishable under Sections 103(1), 61(2)(A) and 191(2) of Bhartiya Suraksha Sanhita, 2023.

**2)** The prosecution's case, in brief, is that on 25.01.2026, Rishi Nirmalkar died during the course of treatment at Sparsh Hospital. It is alleged that on 20.01.2026, the deceased became involved in a dispute with unknown persons, during which he was assaulted with hands and fists and sustained grievous injuries. Thereafter, he returned to his home and narrated the incident to his parents. On 24.01.2026, Rishi Nirmalkar was taken to Sparsh Hospital and he died during the course of treatment on 25.01.2026. During the course of the investigation, statements of the parents and sister of the deceased were recorded, in which they named the present applicant, along with Harvinder Singh alias Kake and Prashant Rao, as the assailants who had assaulted the deceased. Thereafter, the aforesaid offence was registered against the accused persons, and the applicant was arrested on 02.02.2026.

**3)** Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated solely on the basis of the statements of the deceased's family members, which are highly doubtful. He further submits that the deceased did not succumb to the injuries sustained during the alleged assault perpetrated by the accused persons; rather, one Ankit Jha assaulted the deceased, and a video clip was also seized from his mobile phone during the course of the investigation. He also submits that the applicant has no criminal antecedents, the charge-sheet has been filed, and he has been in custody since 02.02.2026. Since the conclusion of the trial is likely to

take some time, he prays for the grant of regular bail to the applicant.

**4)** On the other hand, learned State counsel opposes the bail application, submits that the applicant and co-accused persons, acting in furtherance of their common intention, intercepted and assaulted the deceased. He further submits that the medical reports indicate the injuries sustained by the deceased were grievous in nature, and as such, the applicant is not entitled to the grant of bail.

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

**6)** The case diary contains a postmortem report indicating that various injuries were found on the person of Rishi Nirmalkar. The said report revealed following external injuries:-

- Abrasion over the left forehead, measuring approx. 1 × 1 cm;
- Subconjunctival haemorrhage in both eyes, and contusions over the left upper abdomen and lower thorax, measuring approx. 6 × 7 cm;
- Contusion over the right abdomen, measuring approx. 4 × 4 cm, with bluish-black discolouration over the left elbow, measuring approx. 2 × 2 cm; and
- Multiple puncture wounds

In the absence of any plea or material from the defence suggesting an accident or suicide, it is presumed that the deceased met a homicidal death.

**7)** During the course of the investigation, the statements of the deceased's parents and sister were recorded. They stated that the deceased returned home on the morning of 21.01.2026 along with his friend, and upon noticing his injuries, when questioned, the deceased informed them about the incident and the involvement of the accused persons in the assault. Khilendra Choure, Abhishek Daggar, and Ishu Yadav also gave statements to a similar effect, describing the role of the accused persons in the assault.

**8)** It is a settled principle of law that the Court's role at the stage of bail is confined to verifying the existence of a prima facie case. A conjoint reading of the witness statements and the contents of the FIR makes it clear that the deceased was assaulted by the accused persons, including the present applicant, on 20.01.2026. Upon being questioned, the deceased narrated the entire ordeal to his family members. He was admitted to the hospital on 24.01.2026 and died during the course of treatment on 25.01.2026.

**9)** Although Mr. Tiwari places reliance on a video clip to attribute the fatal assault exclusively to Ankit Jha, the veracity of the allegations made in the FIR cannot be examined in light of defense taken by Mr. Tiwari. This Court is of the view that the applicant will have sufficient opportunity to substantiate his plea of innocence by placing the relevant material before the learned Trial Court during trial.

**10)** Considering the fact and circumstances of the case, nature of injuries sustained by the deceased and gravity of offence levelled against the applicant, this Court is not inclined to extend the benefit of bail to the applicant at this stage.

**11)** Accordingly, the instant bail application is **rejected.**

**Sd/-**
**(Rakesh Mohan Pandey)**
JUDGE

Ajinkya