NIRMALA
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CGHC010403272026 2026:CGHC:46498

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 9680 of 2026

1 - Chhatrapal Deshmukh S/o Hemraj Deshmukh Aged About 24 Years R/o House No. 54, Ward No. 14, Polie Station Somni, Tehsil And District Rajnandgaon Chhattisgarh.

--- **Petitioner(s)**

versus

1 - State Of Chhattisgarh Through- The Station House Officer, Police Of Police Station Somni, District Rajnandgaon Chhattisgarh.

--- **Respondent(s)**

MCRC No. 10099 of 2026

1 - Ghanshyam Belchandan S/o Dharmendra Belchandan Aged About 25 Years R/o Sangam Chowk, Gram Nikum, P.S. Anda, District Durg (C.G)

---**Petitioner(s)**

Versus

1 - State Of Chhattisgarh Through The Station House Officer, Police Station Somni, District Rajnandgaon (C.G.)

--- **Respondent(s)**

For Applicants	**:**	Shri Prafull Bharat, Senior Advocate alongwith Shri Anuroop Panda, Advocate in MCRC No.10099 of 2026 and Shri Rudranath Mukherjee, Advocate in MCRC No.9680 of 2026.
For Non-Applicant	**:**	Shri Dharmesh Shrivastava, Dy. A.G.

Hon'ble Shri Justice Rakesh Mohan Pandey

Order on Board

03/11/2026

1. These are the first bail applications filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) for grant of regular bail to the applicants in connection with the Crime No.125/2026, registered at Police Station Somni, District Rajnandgaon for the offences punishable under Sections 64, 115(2), 103(1) and 61(2) of BNS.
2. The case of the prosecution, in brief, is that on 18.6.2026, the deceased, namely, Muskan, along with her friends Khushboo Joshi, Ashutosh Hirwani, Chhatrapal Deshmukh and Ghanshyam Belchandan, was present at Manghat Sthit Resort, District Rajnandgaon. It is alleged that, on the night of the incident, the applicants and the other co-accused persons consumed liquor and visited various places. During the night, co-accused Ashutosh Hirwani took the deceased to the bathroom and sexually assaulted her. Thereafter, he came out of the bathroom and, when the deceased did not return, Khushboo, who was also present with them, went to the bathroom and found the deceased lying dead. The deceased, Muskan, was taken to the hospital, where she was declared dead. In the postmortem report, the cause of death was not disclosed, and the viscera was preserved. In response to the query, the medical officer

opined that the cause of death was excessive consumption of ethyl alcohol. Khushboo, who was in the company of the present applicants and co-accused Ashutosh, had her statement recorded under Section 183 of the BNSS, wherein she narrated the entire incident. She stated that co-accused Ashutosh had taken the deceased to the bathroom and sexually assaulted her, and that, after some time, the deceased was found dead. The police registered the aforesaid offences against the present applicants and co-accused Ashutosh.

3. Learned Senior counsel appearing for the applicants would submit that three other persons who were present at the resort have not been arrayed as accused. It is argued that, even if the entire prosecution story is accepted, no offence is made out against the applicants, namely, Chhatrapal Deshmukh and Ghanshyam Belchandan. It is contended that the deceased was sexually assaulted by Ashutosh and that, when the said accused came out of the bathroom, the dead body of the deceased was found after some time. It is further contended that, according to the medical opinion, the cause of death was excessive consumption of liquor and that there is no allegation that the present applicants, in any manner, caused any bodily injury to the deceased with the intention of causing death or such bodily injury as was likely to cause death. It is also submitted that the charge-sheet has been filed and that the applicants have been in jail since 21.6.2026. Applicant Ghanshyam Belchandan has only one criminal antecedent, registered in the year 2026, for the commission of offences punishable under Sections 316(5) and 3(5) of the BNS. Learned Senior counsel further submits that the said applicant has no criminal antecedent of a similar nature and Shri Rudhranath

Mukherjee, counsel for applicant - Chhatrapal Deshmukh in MCRC No.9680 of 2026 would submit that applicant - Chhatrapal Deshmukh has no criminal antecedents. Thus, he prays that the applicants may be enlarged on regular bail.

4. On the other hand, learned State counsel opposes the bail applications and submits that the present applicants, along with co-accused Ashutosh, went to the resort where the incident took place. He further submits that, in the postmortem report, the medical officer noted injuries on the body of the deceased. He also submits that the deceased was sexually assaulted, which is evident from the FSL report. He further submits that the statement of Khushboo was recorded under Section 183 of the BNSS on 4.7.2026, wherein she categorically stated that co-accused Ashutosh had taken the deceased to the bathroom and sexually assaulted her and that, after some time, the deceased was found dead. He would submit that the present applicants were also involved in the commission of the offence and, therefore, the bail applications deserve to be dismissed.

5. Heard learned counsel appearing for the parties and perused the case diary.

6. In the postmortem report, the doctors have not expressed any opinion regarding the cause of death, and the viscera was preserved. In response to the query, the medical officer opined that the cause of death was excessive consumption of ethyl alcohol. Further, according to the FSL report, the deceased was sexually assaulted. As per the statement of Khushboo Joshi, recorded under Section 183 of the BNSS, the deceased was sexually assaulted by co-accused Ashutosh.

In the present case, there is no allegation against the present applicants that they caused the death of the deceased with the intention of causing death or with the intention of causing such bodily injury as was likely to cause death. Further, the medical evidence indicates that the cause of death was excessive consumption of liquor. The allegation of rape is against co-accused Ashutosh. As per the statements of the witnesses, particularly the statement of Khushboo Joshi recorded under Section 183 of the BNSS, the deceased was taken to the bathroom by co-accused Ashutosh. It is an admitted fact that the deceased had sustained injuries on her body; however, there is no allegation that the present applicants caused any such injuries. Further, taking into consideration the fact that the charge-sheet has been filed, the applicants have been in jail since 21.6.2026, applicant Ghanshyam Belchandan has only one criminal antecedent under the BNS, which is not of a similar nature, and applicant Chhatrapal Deshmukh has no criminal antecedents, and without commenting on the merits of the case, I am inclined to allow both the bail applications.

7. Accordingly, the bail applications filed by applicants is allowed and it is directed that in the event of the applicants executing a personal bond for a sum of Rs.50,000/- with one surety each to the satisfaction of the concerned Trial Court, they shall be released on bail, on following conditions :-

> (i) they shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such fact to the Court,
>
> (ii) they shall not act in any manner which will be prejudicial to fair and expeditious trial, and

(iii) they shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial,

(iv) they shall not involve themselves in any offence of similar nature in future.

The observations made in the course of this order are only for considering the case of the applicants on the application for grant of regular bail. The concerned trial Court shall not be influenced or bound by the observations made in the course of this order.

Sd/-

Rakesh Mohan Pandey

JUDGE

Nimmi