



2026:CGHC:9522



2026:CGHC:9522

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****MCRC No. 794 of 2026**

Alok Kumar S/o Shri Chandrabhushan Prasad Singh Aged About 25 Years Permanent Address- Village Kohdaul Kohaul, Post Bajitpur, P.S. Karpit, District Arwal, Bihar- 804426 Temporary Address- Veer Kunwar Singh Nagar, Near Chhath Ghat, Gali No. 8, Nangloi, Delhi

--- Applicant(s)**versus**

State Of Chhattisgarh Through Officer In Charge, Tikrapara Police Station, Raipur, Chhattisgarh Pin- 492001

--- Non-applicant(s)**MCRC No. 851 of 2026**

Mohammad Irfan Ansari S/o Moin Ansari Aged About 23 Years R/o Old Station, Mistri Para, Near Janta Medical, Opposite Iqra Masjid, Police Station Asansol North, Bardhaman District Varhman West Bengal.

---Applicant(s)**Versus**

State Of Chhattisgarh Through Police Station Tikrapara, District Raipur C.G.

--- Non-applicant(s)

For Applicant(s) : Mr. Rahul Jaiswal, Advocate, Nihal Choubey, Advocate as well as Mr. Suresh Yadav, Advocate.

For Non-applicant(s) : Ms. Anusha Naik, Deputy Govt. Advocate.

**Hon'ble Mr. Ramesh Sinha, Chief Justice****Order on Board****24.02.2026**

1. Since the above bail applications are arising out of same crime number and same offence so they are being heard and decided by this common order.
2. These are the First bail applications filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail to the applicants who have been arrested in connection with Crime No.734/2025 registered at Police Station- Tikrapara District- Raipur (C.G.) for the offences punishable under Sections 318(4) read with Section 3(5) of the BNS.
3. As per the prosecution case, on or about 15.09.2025–17.09.2025, the complainant Ms. Archana Bhadauriya received a fraudulent WhatsApp message containing a link, upon clicking which her mobile phone was allegedly compromised and a total amount of Rs.5,12,900/- was siphoned off from her IndusInd Bank account. In this regard, FIR No.734/2025 (Annexure A/2/A-3) was registered at Police Station Tikrapara, District Raipur, against unknown persons under Section 318(4) of the Bharatiya Nyaya Sanhita, 2023. During the course of investigation carried out by Cyber Range Police Station, Raipur, it was revealed that out of the aforesaid amount, a sum of Rs.1,00,000/- (Rs.50,000/- + Rs.50,000/-) was transferred from the complainant's bank account to Bank Account No. 02645070005776 held in the name of co-accused Saurabh Kumar,



while the remaining amount of Rs.4,12,900/- was transferred to the bank accounts of other persons. It was further revealed that the said bank account was involved in multiple cyber fraud complaints registered on the Cyber Crime Portal from different States. During investigation, co-accused Saurabh Kumar, in his memorandum statement recorded under Section 23 of the Bharatiya Sakshya Adhiniyam, 2023, stated that he had sold the said bank account along with related documents and the associated mobile number to other accused persons, including Praveen Kumar Mandal and Chand Mohammad, and that he had come into contact with them through the present applicants. The prosecution has alleged that the applicants facilitated such contacts and were involved in the operation and use of the said bank account for withdrawal and transfer of cheated amounts through ATM and other banking transactions. During the course of investigation, notices were issued to the accused persons for production of documents and cooperation in the investigation, however, according to the prosecution, the accused persons did not cooperate and therefore their arrest was found necessary. Accordingly, the applicants were arrested and after completion of investigation, charge-sheet has been filed against the accused persons on 19.12.2025.

4. Learned counsel for the applicants submits that the present applicants are innocent and have been falsely implicated in the present case without any credible material and merely on the basis of uncorroborated memorandum statements of the co-accused persons alleging that the applicants had facilitated the meeting



between the co-accused persons. It is submitted that no prima facie case is made out against the applicants inasmuch as no bank account, mobile number, SIM card, ATM card, electronic device or any incriminating material has been seized from their possession and there is no financial transaction between the complainant and the present applicants. The amount alleged to have been siphoned off from the complainant's account was transferred to the bank account standing in the name of co-accused Saurabh Kumar and not to any account of the present applicants and even as per the prosecution case, the bank account, ATM card and registered mobile number used in the offence were in possession of other persons and not the present applicants. It is further submitted that the applicants have not been specifically named by any of the accused persons and no overt act has been attributed to them in the charge-sheet. The entire prosecution case against the applicants is based solely on memorandum statements recorded under Section 23 of the Bharatiya Sakshya Adhiniyam, 2023, which have no independent corroboration and carry no evidentiary value at this stage. It is also submitted that the applicants are in custody since 27.10.2025 and 14.11.2025 respectively, the charge-sheet has already been filed and therefore their further custodial detention is not required and there is no likelihood of their absconding or tampering with the prosecution evidence, therefore, they deserve to be enlarged on bail.

5. On the other hand, learned State counsel opposes the prayer for grant of bail and submits that the present applicants are involved in



a serious offence of organized cyber fraud in which a substantial amount of Rs.5,12,900/- was dishonestly siphoned off from the bank account of the complainant through fraudulent means. It is submitted that during the course of investigation it has been revealed that a part of the cheated amount was transferred to the bank account of co-accused Saurabh Kumar, which was being used for illegal transactions and was found to be involved in multiple cyber fraud complaints registered in different States. It is further submitted that as per the memorandum statements of the co-accused persons and other material collected during investigation, the present applicants played an active role in facilitating contact between the co-accused persons and in the operation and use of the said bank account for withdrawal and transfer of cheated amounts through ATM and other banking transactions. It is also submitted that despite issuance of notices, the applicants did not cooperate with the investigation, and therefore their arrest was found necessary. Considering the nature and gravity of the offence, the organized manner in which the crime has been committed and the material collected during investigation indicating the involvement of the applicants, therefore, she submits that the applicants do not deserve the benefit of bail at this stage.

6. I have heard learned counsel for the parties and perused the case diary.
7. Considering the facts and circumstances of the case, nature of allegations, the material available on record and the submissions advanced by learned counsel for the parties, this Court finds that



the allegation against the present applicants is primarily that they facilitated contact between the co-accused persons and there is no material to show that the applicants were directly involved in the transfer or withdrawal of the cheated amount. The investigation reveals that the amount allegedly siphoned off from the complainant's bank account was transferred to the bank account standing in the name of co-accused Saurabh Kumar and not to any account of the present applicants. No bank account, mobile number, ATM card, SIM card or electronic device used in the commission of the offence has been seized from the possession of the present applicants and no specific overt act has been attributed to them in the charge-sheet except the memorandum statements of the co-accused persons, which remain uncorroborated by any independent material. The applicants are in custody since 27.10.2025 and 14.11.2025 respectively and the charge-sheet has already been filed, therefore, their further custodial detention is not required. Considering the limited role attributed to the applicants, the nature of evidence collected during investigation, this Court is inclined to grant bail to the present applicants.

8. Accordingly, the bail applications of the applicants are **allowed**.
9. Let the applicants – **Alok Kumar** and **Mohammad Irfan Ansari** involved in Crime No.734/2025 registered at Police Station-Tikrapara District- Raipur (C.G.) for the offences punishable under Sections 318(4) read with Section 3(5) of the BNS, be released on bail on their furnishing a **personal bond** with **two local sureties each**, in the like sum to the satisfaction of the Court



concerned with the following conditions:-

(i) The applicants shall file an undertaking to the effect that they shall not seek any adjournment on the dates fixed for evidence when the witnesses are present in court. In case of default of this condition, it shall be open for the trial court to treat it as abuse of liberty of bail and pass orders in accordance with law.

(ii) The applicants shall remain present before the trial court on each date fixed, either personally or through their counsel. In case of their absence, without sufficient cause, the trial court may proceed against them under Section 269 of Bharatiya Nyaya Sanhita.

(iii) In case, the applicants misuses the liberty of bail during trial and in order to secure their presence, proclamation under Section 84 of BNSS. is issued and the applicants fail to appear before the court on the date fixed in such proclamation, then, the trial court shall initiate proceedings against them, in accordance with law, under Section 209 of the Bharatiya Nyaya Sanhita.

(iv) The applicants shall remain present, in person, before the trial court on the dates fixed for (i) opening of the case, (ii) framing of charge and (iii) recording of statement under Section 351 of BNSS. If in the



opinion of the trial court absence of the applicants are deliberated or without sufficient cause, then it shall be open for the trial court to treat such default as abuse of liberty of bail and proceed against them in accordance with law.

10. Office is directed to send a certified copy of this order to the trial Court for necessary information and compliance

Sd/-

(Ramesh Sinha)
Chief Justice

Kunal