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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 1168 of 2026

Rahul Sahu S/o Jai Kumar Sahu Aged About 21 Years R/o Village Pendri,
P.S. Hasaud, District Sakti (C.G.) **... Applicant**

versus

State Of Chhattisgarh Through Station House Officer Police Station
Shivrinarayan District Janjgir-Champa (C.G.) **... Respondent**

For Applicant	: Mr. Syed Mohammad Sohail, Advocate.
For Non-applicant/State	: Ms. Anusha Naik, Dy. G.A.

Hon'ble Mr. Ramesh Sinha, Chief Justice

Order on Board

26.02.2026

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.259/2025 registered at Police Station – Shivrinarayan District Janjgir-Champa (C.G.) for the offences punishable under Sections 317(2), 317(4), 317(5), 112(B), 318 & 3(5) of the BNS 2023.
2. As per the prosecution case, a complaint was received at Police Station Shivrinarayan alleging the commission of cyber fraud through



illegal online transfer of money, on the basis of which Crime No. 259/2025 was registered initially against unknown persons for offences punishable under Sections 317(2), 317(4), 317(5), 112(B), 318 and 3(5) of the Bharatiya Nyaya Sanhita, 2023; during the course of investigation, it was alleged that certain bank accounts opened at the Shivrinarayan branch of Axis Bank were being used as so-called “mule accounts” for transferring amounts received through cyber fraud from different parts of the country, and the present applicant Rahul Sahu was implicated and arrested on the basis of memorandum statements of co-accused persons alleging that his documents had been used for opening a bank account, and after completion of investigation, the police filed the charge-sheet before the competent Court.

3. Learned counsel for the applicant submits that the applicant has been implicated solely on the basis of memorandum statements of co-accused persons, which are weak in evidentiary value and cannot be made the sole basis for his continued incarceration, particularly when no recovery of money, ATM card, mobile phone, or any incriminating material has been effected from his possession; that a similarly placed co-accused, namely Vansh Dewangan, involved in the same crime, under identical sections and arising out of the same FIR, has already been granted bail by this Hon'ble Court vide order dated 11.12.2025 passed in MCRC No. 8911/2025, and the role attributed to the present applicant is not distinguishable, therefore, on the principle of parity alone, he deserves to be enlarged on bail that the charge-sheet has already been filed, the investigation is complete, and no further custodial interrogation of the applicant is required, hence continued



detention would amount to punitive pre-trial incarceration; that the applicant is a 21-year-old student, has passed 12th standard, and is presently pursuing DCA (Diploma in Computer Applications), and prolonged incarceration would seriously disturb his education, mental well-being, and future career prospects, causing irreparable loss; that he has no prior criminal antecedents and there is no material on record to indicate habitual involvement in any offence; that he has been in judicial custody since 05.08.2025 and considering the nature of the case involving multiple accused, banking records, and cyber-crime investigation, the trial is likely to take considerable time to conclude; that it is a settled principle of law that bail is the rule and jail is the exception, particularly when the accused is young, has clean antecedents, the investigation is complete, and parity exists; that he is a permanent resident of the address mentioned in the cause title and there is no likelihood of his absconding or tampering with the prosecution evidence; and that he is ready to furnish adequate surety and abide by all such terms and conditions as may be imposed by this Hon'ble Court, and therefore prays that he be granted regular bail.

4. On the other hand, learned counsel for the State, opposes the bail application of the applicant.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Taking into consideration the facts and circumstances of the case, the nature and gravity of the allegations levelled against the present applicant, and the fact that the co-accused, namely Vansh Dewangan, has already been granted bail vide order dated 11.12.2025 passed in



MCRC No. 8911/2025, and further considering that the charge-sheet has already been filed before the competent Court, that the applicant have been in judicial custody since 05.08.2025, and that the conclusion of the trial is likely to take considerable time, this Court is of the view that the applicant is entitled to be released on bail in the present case.

7. Let applicant, **Rahul Sahu**, involved in Crime No.259/2025 registered at Police Station – Shivrinarayan District Janjgir-Champa (C.G.) for the offences punishable under Sections 317(2), 317(4), 317(5), 112(B), 318 & 3(5) of the BNS 2023, be released on bail on furnishing **personal bond** with **two local sureties** in the like sum to the satisfaction of the Court concerned with the following conditions:-

- (i) The applicant shall file an undertaking to the effect that he 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 applicant shall remain present before the trial court on each date fixed, either personally or through his counsel. In case of his absence, without sufficient cause, the trial court may proceed against him under Section 269 of Bharatiya Nyaya Sanhita.
- (iii) In case, the applicant misuses the liberty of bail during trial and in order to secure his presence, proclamation under Section 84 of BNSS. is issued and the applicant fails to appear before the Court on the date fixed in such proclamation, then, the trial court shall initiate proceedings against him, in accordance with law, under Section 209 of the Bharatiya Nyaya Sanhita.



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(iv) The applicant 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 applicant is deliberate 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 him in accordance with law.

- 8.** Office is directed to provide a certified copy of this order to the trial Court concerned for necessary information and compliance forthwith.

Sd/-
(Ramesh Sinha)
CHIEF JUSTICE