2026:CGHC:10022

2026:CGHC:10022

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 613 of 2026

Bhikhu Sachdew S/o Manshuk Lal Aged About 33 Years R/o Ward No. 51 Laxmi Nagar Jhanda Chowk Rathor Vakil House Pachpedi Naka, District : Raipur, Chhattisgarh

--- **Applicant(s)**

versus

State Of Chhattisgarh Through Police Station Azad Chowk Raipur, District : Raipur, Chhattisgarh

--- **Respondent(s)**

For Applicant(s)	:	Mr. Gagan Tiwari, Advocate
For Respondent(s)	:	Mr. Saumya Rai, Deputy Govt. Advocate

Along with

MCRC No. 1275 of 2026

Harshit Sharma S/o Late Sanjay Sharma Aged About 18 Years R/o House No. 18 Muskan Residency Behind M.M.I. Hospital Lalpur, Distt. Raipur, C.G. At Present R/o House No. E-1 Near Durga Mandir, Arvind Nagar Katora Talab, P.S. Civil Line, District : Raipur, Chhattisgarh

--- **Applicant(s)**

Versus

State Of Chhattisgarh Through Station House Officer Cyber Range, Raipur, District : Raipur, Chhattisgarh

--- **Respondent(s)**

For Applicant(s)	:	Mr. Atul Kumar Kesharwani, Advocate
For Respondent(s)	:	Mr. Saumya Rai, Deputy Govt. Advocate

2026:CGHC:10022

Along with

MCRC No. 1086 of 2026

Gaj Singh Suna S/o Ghanu Suna Aged About 32 Years R/o House No. F-5/6, Phase 01, Aawasiya Sahakari Mariyadit Gulshan Vatika Sejbahar, P.O. Sejbahar, Distt. Raipur, Chhattisgarh.

--- **Applicant(s)**

Versus

State Of Chhattisgarh Through Station House Officer, P.S. Azad Chowk, Distt. Raipur, Chhattisgarh.

--- **Respondent(s)**

For Applicant(s)	:	Mr. Wasim Miyan, Advocate
For Respondent(s)	:	Mr. Saumya Rai, Deputy Govt. Advocate

Hon'ble Mr. Ramesh Sinha, Chief Justice

Order on Board

26.02.2026

1. These are the first bail applications filed under Section 483 of the Bhartiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail to the applicants who have been arrested in connection with Crime No. 283/2025 registered at Police Station – Azad Chowk, Distt. Raipur (C.G.) for the offence punishable under Sections 317(2), 317(4), 317(5), 111, 3(5) of the Bhartiya Nyaya Sanhita, 2023.

2. As per the prosecution story in brief, the Ministry of Home Affairs has established a Cyber Crime Reporting Portal for reporting instances of cyber fraud. On the basis of information received through the said portal, it was allegedly found that 17 bank accounts opened with South Indian Bank, Raipur Branch (IFSC: SIBL0000433), were being used for laundering proceeds of cyber fraud.

2026:CGHC:10022

Pursuant to instructions issued by Police Headquarters, a communication dated 16.09.2025 was sent to the Cyber Crime Reporting Police Station, Raipur. Consequently, Crime No. 283/2025 was registered on 19.09.2025 at Police Station Azad Chowk, Raipur for offences punishable under Sections 317(2), 317(4), 317(5), 111 and 3(5) of the BNS against the account holders of the said bank accounts.

During investigation, bank account details, KYC documents and other related materials were collected. It is alleged that applicant Gajsingh Suna, in his memorandum statement, stated that along with applicant Harshit Sharma, he had opened a bank account in the name of “E-Rishta.com” and allegedly transferred/sold the same along with the registered mobile number to applicant Bhikhu Sachdev on commission basis. It is further alleged that applicant Bhikhu Sachdev, in his memorandum statement, stated that he thereafter transferred/sold the said account to another person at a commission.

On the basis of the aforesaid memorandum statements and documentary material, the present three applicants have been implicated in the case. After completion of investigation, charge-sheet was filed on 11.12.2025 before the competent Court. The bail applications of the applicants were rejected by the learned 4th Additional Sessions Judge, Raipur vide order dated 30.12.2025 without properly appreciating the facts and defence raised on their behalf. Hence, the present bail applications.

2026:CGHC:10022

3. Learned counsel for the applicants, submits that the applicants are innocent persons and have been falsely implicated in the present case, as they have not played any role whatsoever in the alleged commission of the offence. It is submitted that the offences under Sections 317(2), 317(4), 317(5), 111 and 3(5) of the BNS are not even prima facie made out against the applicants. Even if the entire prosecution story is taken at its face value, no specific overt act, conspiracy, fraudulent intention or active participation is attributed to the applicants. Their implication is primarily based on the allegation that one out of the seventeen bank accounts allegedly received certain amounts, which by itself does not constitute any offence. It is further submitted that out of the 17 accounts referred to in the prosecution case, only one account is stated to be connected with the firm “E Rishta Dot Com”, and there is no material to demonstrate any control or nexus of the applicants with the remaining accounts, rendering their implication wholly peripheral. The prosecution has failed to establish that the applicants had any knowledge that the amount credited in the said account was the proceeds of cyber fraud. In absence of the essential ingredients of the alleged offences are not attracted. The firm “E Rishta Dot Com” is a duly registered business concern engaged in lawful activities and the bank account in question is a regular operational account used for routine business transactions, where occasional third-party credits are normal in the course of business. It is also evident from the final report that documents of the firm and the mobile number linked with the bank account were

2026:CGHC:10022

seized from other co-accused persons, thereby weakening the allegation that the account was being operated by the present applicants. The prosecution case rests merely on suspicion arising from certain credit entries, and it is a settled principle of criminal jurisprudence that suspicion, however strong, cannot substitute proof.

4. Learned counsel of the applicants further submits that the applicants are languishing in jail since 05.10.2025, the charges have already been framed against the applicants on 18.02.2026, copy of which has been filed with the covering memo in the bail applications and continued incarceration would cause serious and irreparable prejudice to their livelihood, career, and future, despite the absence of any prima facie case against them. Therefore, they pray for grant of regular bail to the applicants.

5. On the other hand, learned State counsel has vehemently opposed the bail applications and submits that in compliance of the orders passed by this Court dated 16.01.2026 in MCRC No. 613/2026 and dated 02.02.2026 in MCRC No. 1086/2026, the concerned Investigating Officer has filed his personal affidavit disclosing the evidence collected during investigation against the present applicants. It is submitted that the Government of India through the Ministry of Home Affairs has established the National Cyber Crime Reporting Portal under the Indian Cyber Crime Coordination Centre for reporting and coordination of cyber fraud cases, wherein victims upload details of fraudulent transactions, bank accounts and mobile numbers used in cyber offences. Acting upon information

received through the said portal and instructions from higher authorities, details of 17 bank accounts opened in South Indian Bank, Raipur (IFSC: SIBL0000433) were collected, which were allegedly used as mule accounts for routing proceeds of cyber fraud. Consequently, Crime No. 283/2025 was registered at Police Station Azad Chowk, Raipur and investigation was taken up by the Cyber Range Police Station, Raipur. During investigation, it was found that Bank Account No. 0433073000000590 was opened in the name of Firm “E-Rishta.Com” at Raipur, allegedly in the name of accused Gaj Singh Suna, with mobile number 7766927782 linked to it, and that within a short span of time an amount of Rs. 2,64,84,546/- was credited and Rs. 2,64,80,990/- withdrawn between 20.05.2023 and 31.12.2024. It is further submitted that 15 online complaints were registered against the said account on the National Cyber Crime Reporting Portal/1930 helpline, including a complaint dated 16.03.2024 by one Ranveer Kirad. Notices under Sections 35(3) and 94 of the BNSS, 2023 were issued to the accused persons for interrogation and production of documents, and their memorandum statements were recorded. In the memorandum, it is alleged that accused Gaj Singh Suna along with accused Harshit Sharma opened the account in the name of E-Rishta.Com for use in cyber fraud and sold the bank account along with the registered mobile number to co-accused Bhikhu Sachdev at a commission of 1.5%, who in turn allegedly transferred it further at a commission of 2.0%. It is submitted that the applicants were arrested on 05.10.2025 in connection with the aforesaid crime for

2026:CGHC:10022

offences under Sections 317(2), 317(4), 317(5), 111 and 3(5) of the BNS, 2023.

6. The learned State counsel contends that considering the magnitude of the fraud amount, the number of complaints, and the organized manner in which the mule account was allegedly operated, if the applicants are enlarged on bail, there is every likelihood of their absconding, tampering with evidence, influencing witnesses, or indulging in similar cyber offences again, thereby adversely affecting the ongoing investigation and public interest.

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

8. Considering the rival submissions of learned counsel for the parties, the case diary material, the nature of allegations and the evidence collected so far, this Court finds that the accusation against the present applicants primarily rests upon documentary material and memorandum statements recorded during investigation. The investigation has already been completed, charge-sheet has been filed and charges have already been framed against the applicants. The applicants are in judicial custody since 05.10.2025. The prosecution case is largely based on financial transactions through bank accounts and the material evidence is documentary in nature, which is already in possession of the investigating agency. At this stage, without expressing any opinion on the merits of the case and considering the period of custody undergone by the applicants, this Court is of the view that further custodial detention of the applicants is not warranted.

2026:CGHC:10022

9. Let the bail applications of the Applicants – **Bhikhu Sachdew**, **Gaj Singh Suna** and **Harshit Sharma** involved in Crime No. 283/2025 registered at Police Station – Azad Chowk, Distt. Raipur (C.G.) for the offence punishable under Sections 317(2), 317(4), 317(5), 111, 3(5) of the Bhartiya Nyaya Sanhita, 2023, be released on bail on furnishing **personal bond** with **two 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 misuse 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 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 them in accordance with law.

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

Sd/-
(Ramesh Sinha)
Chief Justice

Rahul Dewangan