



2026:CGHC:12532



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 1358 of 2026

Shubham Nirmalkar S/o Santram Nirmalkar Aged About 27 Years Resident Of
Near Laxminarayan Mandir, Polsai, Para, Durg, Tahsil And District- Durg
(C.G.)

... Applicant

versus

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

... Respondent

For Applicant : Shri Jitendra Gupta, Advocate.

For : Shri Soumya Rai, Dy.G.A.

Respondent/State

Hon'ble Mr. Ramesh Sinha, Chief Justice

Order on Board

16/03/2026

1. This is the first bail application filed under Section 483 of the Bharatiya
Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of regular
bail to the applicant who has been arrested in connection with Crime
No.128/2025 registered at Police Station Utai, District Durg (C.G.) for
the offence punishable under Sections 420 and 419 of Indian Penal
Code.



2. Case of the prosecution, in brief, is that the complainant Himanshu Yadav lodged a report at Police Station Utai on 09.04.2025 stating that on 11.06.2024 the applicant/accused Shubham Nirmalkar, who was selling Idea company SIM cards, issued a SIM to him for Rs.10 after taking his Aadhaar card, live photographs and biometric thumb impression. Later, through Cyber Police, Durg, the complainant came to know that another SIM number 6232331824 had been issued using his Aadhaar card without his knowledge. It is alleged that the accused dishonestly obtained the complainant's biometric details and fraudulently issued another SIM in his name and sold it to someone else. On the basis of the complaint, Crime No. 128/2025 was registered at Police Station Utai, District Durg under Sections 419 and 420 IPC, and after investigation the charge sheet has been filed.
3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the instant case and the applicant has neither committed nor participated in any such act, which may amount to any of the offences, mentioned above. He would submit that the present applicant has been implicated in this case only on the memorandum statement. He would submit that the charge sheet has been filed in this case, the applicant is in jail since 24/11/2025 and conclusion of trial will take some time, therefore, he prays for grant of bail to the applicant.
4. On the other hand, learned State Counsel opposes the bail application and he would submit that charge sheet has been filed in this case before the competent court. He would submit that in compliance of the court's order dated 11/02/2026 the Investigating Officer has filed his



personal affidavit. He would further submit that the applicant has two criminal antecedents.

5. I have heard learned counsel appearing for the parties and perused the materials available on record.
6. Taking into consideration the facts and circumstances of the case, nature of allegation levelled against the applicant, period of detention of the applicant since 24/11/2025, charge sheet has been filed and also considering the fact that trial is likely to take some time for its conclusion, therefore this Court is of the view that the applicant is entitled to be released on bail in this case.
7. Accordingly, the bail application is allowed and it is directed that the Applicant- **Shubham Nirmalkar**, involved in Crime No.128/2025 registered at Police Station Utai, District Durg (C.G.) for the offence punishable under Sections 420 and 419 of Indian Penal Code, be released on bail on his furnishing a **personal bond** with **two 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.

(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 send a certified copy of this order to the trial Court for necessary information and compliance.

Sd/-
(Ramesh Sinha)
CHIEF JUSTICE