



2026:CGHC:13015

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 1682 of 2026

Gaukaran Sinha S/o Shri Heera Lal Aged About 30 Years R/o Village-
Chichboad Thana- Balod Distt- Balod (C.G.)

... Applicant

versus

The State of Chhattisgarh Through Station House Officer, Police Station-
Balod District- Balod (C.G.)

... Non-Applicant

For Applicant : Mr. Sunil Sahu, Advocate

For Non-Applicant/State : Ms. Anusha Naik, Dy. Govt. Advocate

Hon'ble Shri Ramesh Sinha, Chief Justice

Order on Board

18.03.2026

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. 531/2025 registered at Police Station- Balod District- Balod, (C.G.) for the offence punishable under Section 318(4) of the Bharatiya Nyaya Sanhita, 2023 and Section 42(3)(e) of the Telecommunications Act, 2023.
2. The prosecution story, in brief, is that a report was initially lodged on 05.12.2025 against co-accused Ishwar, pertaining to the alleged incidents occurring between 01.07.2024 and 30.08.2024, on the

basis of a letter received from the Cyber Cell, alleging that the said co-accused, who was working as a SIM seller, had issued approximately 142 additional SIM cards by misusing the identity documents of various persons in order to meet sales targets. It is further alleged that the co-accused Ishwar was taken into custody and his memorandum statement was recorded, wherein he implicated the present applicant, on the basis of which the applicant was also arrested. Thereafter, upon completion of investigation, the charge-sheet has been filed against the accused persons, hence, the present bail application.

- 3.** Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the present case, as his name does not find mention either in the FIR or in the initial letter of the Cyber Cell, and he has been arrested solely on the basis of the memorandum statement of the co-accused, which is not admissible in evidence in the absence of independent corroboration. It is further submitted that, apart from such memorandum statement, there is no material available on record connecting the applicant with the alleged offence, and even the mobile number referred to in the FIR belongs to the co-accused. It is also contended that the alleged incident pertains to the period from 01.07.2024 to 30.08.2024, whereas the report was lodged after an unexplained delay of about one year and four months on 05.12.2025, which renders the prosecution story doubtful. Learned counsel further submits that, as per the prosecution case itself, the SIM cards were issued only to fulfill sales targets and were subsequently destroyed,

and there is no allegation of misuse of such SIMs or of any wrongful gain or loss caused thereby. He further submits that the applicant has two criminal antecedents out of which he is on bail in one case, the charge-sheet has been filed, he is in jail since 25.01.2026, and the trial is likely to take some time for its conclusion. Therefore, he prays for grant of bail to the applicant.

4. On the other hand, learned State counsel opposes the bail application and submits that the charge-sheet has been filed before the competent Court. She further submits that the applicant is actively involved in the commission of the offence and his name has surfaced during the course of investigation on the basis of the memorandum statement of co-accused Ishwar, which is further supported by the material collected by the prosecution. It is contended that the applicant, in connivance with the co-accused, was involved in the illegal issuance of multiple SIM cards by misusing the identity documents of different persons, thereby facilitating unlawful activities. The allegations are serious in nature, involving misuse of personal identification and breach of statutory provisions. Considering the gravity of the offence, the applicant is not entitled to the benefit of bail.
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 that though the applicant is actively involved in the commission of the offence and his name has surfaced during the course of

investigation on the basis of the memorandum statement of co-accused Ishwar and applicant has two criminal antecedents, but it is to be noted that the applicant is in jail since 25.01.2026 and the charge-sheet has already been filed before the competent Court and the trial is likely to take considerable time for its conclusion. Without expressing any opinion on the merits of the case and considering the period of detention, this Court is of the considered view that the present applicant is entitled to be released on regular bail in this case.

7. Accordingly, the bail application of the applicant is **allowed**. Let the applicant - **Gaukaran Sinha**, involved in Crime No. 531/2025 registered at Police Station- Balod District- Balod, (C.G.) for the offence punishable under Section 318(4) of the Bharatiya Nyaya Sanhita, 2023 and Section 42(3)(e) of the Telecommunications Act, 2023, 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 provide a certified copy of this order to the trial Court concerned for necessary information and compliance forthwith.

**Sd/-
(Ramesh Sinha)
Chief Justice**