2026:CGHC:13191

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRCA No. 422 of 2026

1 - Manikant Singh S/o Late Ramashankar Singh Aged About 48 Years R/o K/173, Kali Mandir Road, Hanuman Nagar, Kankar Bagh, Patna Bihar

2 - Shushma Singh W/o Manikant Singh Aged About 45 Years R/o K/ 173, Kali Mandir Roadm Hanuman Nagar, Kankar Bagh, Patna, Bihar

... Applicant(s)

versus

State Of Chhattisgarh Through The Station House Officer, Police Station Mohan Nagar, Durg, (C.G.)

... Respondent(s)

For Applicant(s)	:	Dr. Pratyush Nandan along with Mr. Shivam Mishra, Advocates
For Respondent(s)	:	Mr. Sourabh Kumar Pande, Dy. A.G.

Hon'ble Mr. Ramesh Sinha, Chief Justice

Order on Board

19.03.2026

1. This first anticipatory bail application under Section 482 of the Bhartiya Nagrik Suraksha Sanhita, 2023 has been filed by the applicants, who are apprehending their arrest in connection with Crime No. 456/2022 registered at Police Station – Mohan Nagar, District- Durg (C.G.) for the offence punishable under Sections

120-B, 34, 406, 409 & 420 of the IPC.

2. The prosecution case, in brief, is that the complainant Praveen Rai lodged a report at Police Station- Mohan Nagar stating that he is the younger brother of Sunil Raj Dayal, Director of Orbit Electromech India Pvt. Ltd., and that the accused persons namely Manikant, Sushma, and Anand approached their residence and entered into discussions regarding scrap business transactions with his elder brother, wherein they represented themselves as brokers for several companies and agreed to conduct business on agreed terms including a commission of 0.5% on profits. It is alleged that during the COVID-19 period, acting upon such representations, a total sum of Rs.3,29,24,000/- was entrusted to the accused persons for the purpose of clearing outstanding dues of various companies, out of which Rs.1,37,34,000/- was transferred through banking channels and the remaining amount was paid in cash, however, despite receipt of the said amount, the accused persons neither returned the money nor discharged the liabilities towards the companies or the complainant and his brother, thereby committing breach of trust and cheating. On the basis of the written complaint submitted by Praveen Rai, a case has been registered against the accused persons under Sections 409, 420, 120-B and 34 of the Indian Penal Code, and the investigation is presently underway.

3. Learned counsel for the applicants submits that the allegations

levelled in the FIR are wholly false, frivolous, and baseless, having been concocted with an oblique motive to harass and extort money from the applicants. It is submitted that the complainant Praveen Rai, along with his brothers Anil Rai and Sunil Rai, has in fact orchestrated a series of fraudulent schemes and has duped several persons, including the present applicants, under the guise of business transactions. Learned counsel submits that the complainant and his brothers are habitual offenders with multiple criminal antecedents across various States, facing several FIRs and complaint cases involving offences of cheating, criminal breach of trust, forgery, and conspiracy involving huge financial amounts. It is further pointed out that even in an earlier FIR lodged by the complainant, the police, after due investigation, submitted a closure report holding the allegations to be false, thereby seriously affecting the credibility of the present prosecution and indicating a pattern of misuse of criminal law as a tool of coercion.

4. It is further submitted that the true facts are entirely contrary to the prosecution version and reveal that the applicants themselves are victims of fraud committed by the complainant and his family members. The applicants had developed business relations with the complainant and his brothers, who projected themselves as reputed businessmen and directors of Orbit Electromech India Pvt. Ltd., and induced the applicants and their associates to invest substantial amounts in their business ventures, including

transactions relating to the iron trade and a high-value medical tender. Acting upon such inducement, the applicants not only facilitated investments from third parties but also invested their own funds to the tune of Rs.52,00,000/- and earned commission through legitimate banking channels, which is duly supported by documentary evidence such as bank statements and cheques placed on record. Initially, certain payments were made to gain confidence. However, subsequently, the complainant and his brothers defaulted in repayment, failed to honour their commitments, and even furnished forged documents in relation to the tender, thereby cheating the applicants and other investors of substantial sums.

5. It is also submitted that upon discovering the fraudulent conduct, the applicants and other investors initiated legal proceedings against the complainant's brother, who was the Managing Director of the said company, whereafter the complainant, with a mala fide intention and as a retaliatory measure, lodged the present false FIR against the applicants. It is further contended that the present case is one of case and counter-case arising out of prior financial dealings, and the applicants have been falsely implicated to pressurize them into withdrawing legitimate claims and proceedings. Learned counsel submits that the applicants are law-abiding persons and have cooperated with the investigation. Moreover, custodial interrogation is not required in the present case. In such circumstances, counsel for the applicants prays for

grant anticipatory bail to the applicants.

6. On the other hand, learned State counsel, while opposing the prayer for anticipatory bail, submits that the allegations against the applicants are serious in nature involving cheating and criminal breach of trust of substantial amounts and that the investigation is still in progress. However, he could not dispute the fact that there exist prior business and financial transactions between the parties and that certain amounts were exchanged through banking channels. It is further not disputed that there are litigations and criminal cases pending between the parties, thereby indicating a background of commercial dealings. Nonetheless, it is contended that despite such transactions, the applicants, in furtherance of their common intention, induced the complainant on false assurances and failed to fulfil their commitments, and therefore, considering the gravity of the offence, they are not entitled to the benefit of anticipatory bail.

7. I have heard learned counsel for the parties and perused all of the documents taken on record.

8. Considering the facts and circumstances of the case, the nature and gravity of the allegations, and the material available on record, as well as the submissions advanced by learned counsel for the parties, this Court is of the view that although the allegations pertain to offences of cheating and criminal breach of trust involving substantial amounts, it is not in dispute that there

existed prior business and financial transactions between the parties and that there are counter allegations and litigations pending inter se, indicating a background of strained relations. At this stage, the element of dishonest intention from the inception, which is essential for constituting the alleged offences, would be a matter to be established during trial. Further, certain transactions are stated to have been effected through banking channels, and the applicants are stated to have cooperated with the investigation. In such circumstances, and considering that custodial interrogation does not appear to be necessary, this Court is of the considered opinion that the applicants are entitled to the benefit of anticipatory bail, without expressing any opinion on the merits of the case

9. Accordingly, the instant MCRCA is **allowed** and it is directed that in the event of arrest of the applicants – **Manikant Singh** and **Shushma Singh**, on executing a personal bond (each) with one local surety (each) in the like sum to the satisfaction of the arresting Officer, they shall be released on bail on the following conditions:-

(a) They should not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such fact to the Court.

(b) They should not act in any manner which will be prejudicial to fair and expeditious trial.

(c) They should appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

(d) The Applicants and the sureties shall submit a copy of their adhaar card alongwith a colored postcard full size photo having printed the adhaar number on it, which shall be verified by the trial Court.

(e) They should not involve themselves in any offence of similar nature in future.

Sd/-
(Ramesh Sinha)
CHIEF JUSTICE

Kunal