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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRCA No. 423 of 2026

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

2 - Shushma Singh W/o Manikant Singh Aged About 45 Years Both Resident Of K /173, Kali Mandir Road, Hunuman 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. 405/2022 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 written report at Police Station- Mohan Nagar alleging that he was acquainted with co-accused Manikant, who used to handle financial transactions related to his business, and through him he came into contact with Chandan and Ramanand Sharan (Baba), all of whom were stated to be close associates. It is alleged that the accused persons, acting in furtherance of their common intention, induced the complainant by representing that they could arrange a loan of Rs.25 crores through a financier, for which an initial processing fee of Rs.12,00,000/- was demanded, and further insisted that an amount of Rs.19,00,000/- be paid to Ramanand Sharan (Baba) as a prerequisite for sanction of the said loan. Relying upon such representations, an agreement dated 18.01.2021 was executed, pursuant to which the complainant paid Rs.10,50,000/- himself and an additional Rs.8,50,000/- through his brother Anil Rai, while a total sum of Rs.22,00,000/- was received by Manikant and Chandan partly through banking channels and partly in cash. However, despite receipt of the aforesaid amounts, the accused persons failed to arrange the promised loan of Rs.25 crores and, upon being requested to return the money, deliberately avoided the complainant and switched off their mobile phones, thereby prima facie reflecting dishonest intention from the very inception. On

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these allegations of cheating, criminal breach of trust, and common intention, a case has been registered against the accused persons under Sections 420, 409, and 34 of the Indian Penal Code at Police Station- Mohan Nagar, and the investigation is presently underway.

3. Learned counsel for the applicants submits that the allegations made in the FIR are wholly false, frivolous, and concocted, and the applicants have been deliberately implicated with an oblique motive. It is submitted that, in fact, the complainant Praveen Rai along with his brothers Anil Rai and Sunil Rai are themselves involved in large-scale fraudulent activities and have cheated several persons, including the present applicants. Learned counsel submits that the complainant and his brothers are habitual offenders having multiple criminal antecedents across different States, as reflected from various FIRs and complaint cases instituted against them for offences under Sections 406, 420, 467, 468, 471, 506 and 120-B of the Indian Penal Code, as well as proceedings under Section 138 of the Negotiable Instruments Act, involving substantial amounts running into crores of rupees, copies of which are annexed with the bail application. It is further pointed out that in one of the earlier cases lodged by the complainant himself, the police has already filed a closure report upon finding the allegations to be false, thereby seriously denting the credibility of the present prosecution. It is thus urged that the present FIR is nothing but a counterblast, lodged to pressurize the

applicants and to avoid repayment of huge outstanding liabilities.

4. It is further submitted that the true facts are entirely contrary to the prosecution version. The applicants had developed business relations with the complainant and his brothers, who projected themselves as established businessmen and directors of Orbit Electromech India Pvt. Ltd., and induced the applicants and their associates to invest large sums of money on the assurance of lucrative returns and execution of genuine business transactions. Acting upon such representations, the applicants not only facilitated investments from third parties but also invested their own amount of Rs.52,00,000/- and earned commission through proper banking channels, which is duly supported by documentary evidence placed on record. It is contended that after initially maintaining credibility, the complainant and his brothers defaulted in repayment, failed to honour their commitments including those relating to a high-value tender, and ultimately became untraceable, thereby defrauding the applicants and other investors of substantial sums.

5. It is further 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, and only thereafter, as a retaliatory measure and with mala fide intention, the present false FIR has been lodged against the applicants. It is further argued

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that the dispute is essentially civil in nature arising out of financial transactions, and the essential ingredients of the alleged offences are not made out. 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 fulfill 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 though 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