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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 2012 of 2026

Sarveshwar Barik S/o Krishnachandra Barik, Aged About 33 Years R/o-
H.No. 185, Gorkha Colony, Infront Of Welcome Tower, Shankar Nagar,
Raipur District Raipur C.G. **... Applicant**

versus

State Of Chhattisgarh Through The Station House Officer, Police Station
Kotwali, District Raipur C.G. **...Non-applicant**

For Applicant : Mr. Sachin Nidhi Advocate.

For Non-applicant/State : Dr. Sourabh Pande, Dy. Advocate General.

Hon'ble Shri Ramesh Sinha, Chief Justice

Order on Board

27.02.2026

1. This is the first bail application filed under Section 483 of the Bhartiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail to the applicant who has been arrested in connection with Crime No. 45/2025 registered at Police Station - Kotwali, District Raipur (C.G.), for the offences punishable under Sections 317(2), 317(4), 317(5) & 111 of the BNS.
2. The prosecution case, in brief, is that first information report no.



45/2025 was registered at Police Station City Kotwali, Raipur, under Sections 317(2), 317(4), 317(5) and 111 of the Bharatiya Nyaya Sanhita, 2023, on 22.03.2025 pursuant to a report received from the office of the Deputy Superintendent of Police, Cyber Police Range, Raipur, addressed to the Station House Officer, City Kotwali, Raipur, along with a memo regarding initiation of legal action against mule account holders, in compliance with instructions issued by the Additional Director General of Police (Technical Services), Police Headquarters, Raipur, and a reminder letter from the Police Headquarters; as per the prosecution, information shared through the Indian Cybercrime Coordination Centre (I4C), Ministry of Home Affairs, Government of India, on the Samnvay Portal revealed that mule bank accounts were being used for receipt, utilization and promotion of funds obtained through cyber fraud, and upon analysis it was found that 41 bank accounts maintained at Kotak Mahindra Bank, Raipur Branch, bearing IFSC Codes KKBK0006407, KKBK0006402 and KKBK0006408, had received a total amount of Rs. 18,96,851/- derived from cyber fraud between 01.01.2024 and 11.01.2025, which amounts were allegedly utilized by the account holders/promoters who, being aware that the funds were dishonestly obtained, facilitated the opening and operation of such accounts, assisted in receiving and disbursing the proceeds and thereby promoted and concealed property derived from cyber fraud, whereafter investigation was conducted and, upon completion thereof, charge-sheet has been filed and the matter is presently pending before the learned Judicial Magistrate First Class, Raipur, District Raipur (C.G.), in Criminal Case No. 27621/2025 under the aforesaid provisions of the Bharatiya



Nyaya Sanhita, 2023.

3. Learned counsel for the applicant submits that the applicant has not committed any offence and has been falsely implicated by the police without there being any cogent evidence against him. It is contended that the applicant is a 33-year-old person and has been in judicial custody since 26.03.2025, having already undergone approximately one year of incarceration. It is further submitted that the learned Trial Court failed to appreciate that the applicant is the sole earning member of his family and that his name does not find place in the FIR, a copy of which has been annexed as Annexure A/2. The learned Trial Court also failed to consider that a co-accused in the same crime number has already been granted bail vide order dated 29.01.2026, and despite the applicant having raised the ground of parity, the same was not properly considered; a copy of the said order has been annexed as Annexure A/3. It is also submitted that although the applicant had one previous criminal case under Section 302 of the IPC in Crime No. 01/2010 registered at Police Station Civil Lines, Raipur, he has been acquitted by this Hon'ble Court vide judgment dated 10.10.2014 passed in CRA No. 404/2011, and a copy of the same has been annexed as Annexure A/4. The applicant reserves his right to raise additional grounds at the time of hearing. He is a permanent resident of the address mentioned in the cause title, where his movable and immovable properties are situated, and there is no likelihood of his absconding. The applicant is ready to furnish adequate surety and undertakes to abide by all such terms and conditions as may be imposed by this Hon'ble Court while granting bail.



4. On the other hand, learned State Counsel opposes the bail application of the present applicant and submits that the charge-sheet has already been filed in the present case and that the applicant has one previous criminal antecedent, therefore, he is not entitled to the grant of regular bail.
5. I have heard learned counsel for the parties and perused the case diary.
6. Considering the facts and circumstances of the case, the nature and gravity of the allegations levelled against the applicant, and further taking into account that the charge-sheet has already been submitted before the competent Court and the applicant has remained in jail since 26.03.2025, and the conclusion of the trial is likely to take some time, this Court is inclined to grant regular bail to the present applicant.
7. Let the Applicant – **Sarveshwar Barik**, involved in Crime No. 45/2025 registered at Police Station - Kotwali, District Raipur (C.G.), for the offences punishable under Sections 317(2), 317(4), 317(5) & 111 of the BNS, be released on bail on his furnishing **personal bond** with **two local 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



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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 concerned for necessary information and compliance forthwith.

Sd/-

(Ramesh Sinha)
Chief Justice