2026:CGHC:23827

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 2482 of 2026

Prayal Asthana S/o Shri Late Pradeep Asthana Aged About 31 Years R/o 253/254, Line No. 1 Gird Jisi Nala Laskar Birja Nagar Gwalior Disstt. - Gwalior(M.P.), presently R/o Sanjay Nagar Path Opposite To Om Mandir Under Morena Bridge Thana -Hazira Malgarha Distt. Gwalior (M.P.)

... Applicant

versus

State of Chhattisgarh Through The Station House Officer Police Station Khamhardih Distt -Raipur (C.G.)

... Non-applicant

For Applicant	:	Mr. Rajendra Patel, Advocate.
For Non-applicant/State	:	Mr. Nitansh Jaiswal, Dy. Govt. Advocate.

Hon'ble Mr. Ramesh Sinha, Chief Justice

Order on Board

15.06.2026

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. 176/2025 registered at Police Station Khamhardih, District Raipur (C.G.), for the offences punishable under Sections 318(4) and 3(5) of the Bhartiya Nyaya Sanhita, 2023 and Section 66(D) of the Information Technology Act.

2. The case of the prosecution in brief is that, on the report of Prithviraj Singh, a crime was registered at P.S. Khamhardih to the effect that between 22.06.2025 and 26.06.2025, the complainant was lured through Telegram channels to invest money on the promise of high returns. The names/details of the said IDs were Rajesh Vishwakarma, owner of Systembusiness.com, Ayushi Mobile No. 883785602, Telegram username @yashwanthraiffoicial, and Chetan Prakash, who allegedly lured him. During the investigation, notices were issued to the co-accused persons as well as the present applicant. His memorandum statement was recorded, wherein he stated that he had opened an online savings bank account in Kotak Mahindra Bank and had registered his mobile number 7224825977 with the bank. He further stated that, in June 2025, one Amit Bishnoi and Sunil contacted him through Telegram and asked him to hand over the said account in lieu of a commission of Rs. 30,000/-. As per the charge-sheet, a suspicious amount of Rs. 59,316/- was received in the said account.

3. Learned counsel for the applicant submits that the present applicant is an innocent person and has been falsely implicated in the aforesaid case. He further submits that the alleged account was opened and operated by the other co-accused persons, namely Amit Bishnoi and Sunil Janta, without the knowledge of the applicant. He submits that the investigation reveals that although the account is in the name of the applicant, no document regarding withdrawal of the said amount by the applicant has been collected. Particularly, when it is the case of the prosecution that the account was opened through online mode, the sections charged against the applicant are doubtful. Even the mobile number mentioned in the final report, i.e., 7224825977, allegedly used in the commission of the offence, does not belong to the applicant. This is also evident from the Prepaid Customer EKYC Application Form obtained by the prosecution agency, wherein the mobile number of the applicant is mentioned as

7047725977, which is different from the number allegedly used in the commission of the offence. He also submits that the alleged fraud was committed through unidentified Telegram channels, through which the alleged conversations and transactions took place between the complainant and the co-accused persons. It is the co-accused persons who allegedly carried out the offence by committing fraud, and the applicant is neither directly nor indirectly connected with the said Telegram accounts or channels. He submits that even in the FIR, the name of the applicant is not mentioned. Only the Telegram channels belonging to other persons and the name of one Chetan Prakash have been mentioned, which clearly shows that the applicant was not involved in the commission of the alleged offence. The offences alleged to have been committed are under Sections 318(4) and 3(5) of the BNS and Section 66D of the IT Act. In order to make out the said offences, the applicant must be directly or indirectly involved in the commission of the offence or must have committed some overt act to facilitate the offence. However, in the instant case, only an account in the name of the applicant was allegedly used, in which an amount of Rs. 59,316/- was received, that too without the knowledge of the applicant. The prosecution has failed to establish as to how the applicant was involved in defrauding the complainant. He submits that the applicant has no criminal antecedents and he is in custody since 01.11.2025, and that the conclusion of the trial may take considerable time. Therefore, he prays for grant of regular bail to the applicant.

4. On the other hand, the learned State counsel opposed the bail application of the present applicant and submitted that the charge-sheet has already been submitted before the competent Court in the present case. He further submitted that, in compliance with this Court's order dated 17.03.2026, the Investigating Officer filed a personal affidavit stating that the applicant, in his memorandum statement, disclosed that he had opened Savings Bank Account No. 6347473880 with Kotak Mahindra Bank, City Center Branch, Main Road, Mahalgaon, Gwalior, through online mode and had registered Mobile No. 7224825977 with the said account. In June 2025, his acquaintances, namely Amit Vishnoi and Sunil, contacted him through Telegram and offered him Rs. 30,000/- in exchange for the use of his bank account. They informed him that the account and ATM card would be used for routing money obtained through online fraudulent activities, and he would receive a commission therefrom. Thereafter, he handed over his bank account details and ATM card to them and received Rs. 30,000/- which he spent on his personal expenses. He further stated that the account-related documents and ATM card remain in their possession, while the mobile phone and SIM card used for opening the account are no longer traceable as the SIM has been deactivated. He also admitted that he had previously been arrested in Gwalior in 2024 in connection with an online fraud case. Learned State Counsel submitted that the investigation revealed that the applicant had knowingly provided his bank account and ATM card for facilitating online fraudulent transactions for monetary consideration, thereby establishing his prima facie involvement in the offence, pursuant to which he was arrested on 01.11.2025. It was further submitted that, as per the bank account records, during the period from 21.10.2022 to 26.08.2025, a total sum of Rs. 21,99,763/- was credited and Rs. 21,98,332/- was debited from the said account. Therefore, the applicant is not entitled for grant of regular in the present case.

5. I have heard learned counsel for the parties and perused the case diary.

6. Taking into consideration the facts and circumstances of the case, particularly the fact that the name of the applicant does not figure in the FIR and that the prosecution has not collected any material to demonstrate that the applicant had withdrawn the alleged defrauded amount or had directly participated in the alleged fraudulent transactions conducted through Telegram channels, this Court is of the view that the question as to whether the bank account was knowingly provided by the applicant for the commission of the alleged offence is a matter to be tested during trial. Further, the applicant has no criminal antecedents, the charge-sheet has already been filed before the competent Court, and the applicant has been in judicial custody since 01.11.2025. In view of the aforesaid facts and circumstances, and without expressing any opinion on the merits of the case, this Court is of the considered opinion that the applicant is entitled to be released on bail.

7. Let the Applicant – **Prayal Asthana**, involved in Crime No. 176/2025 registered at Police Station Khamhardih, District Raipur (C.G.), for the offences punishable under Sections 318(4) and 3(5) of the Bhartiya Nyaya Sanhita, 2023 and Section 66(D) of the Information Technology Act, be released on bail on 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.
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> (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 his 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

Abhishek