



2026:CGHC:12958



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 2540 of 2026

Hirendra Kumar Sahu S/o Bhupendra Kumar Sahu Aged About 21 Years
R/o Village Bilari, Tahsil Pamgarh, P.S.- Sheorinarayan, District Janjgir-
Champa (Cg)

... Applicant(s)

versus

State Of Chhattisgarh Through Station House Officer, P.S.- Pamgarh
(Wrongly Mentioned As Sheorinarayan In Impugned Order) District Janjgir-
Champa (Cg)

... Respondent(s)

For Applicant(s) : Mr. Atul Kumar Kesharwani, Advocate.
For Respondent(s) : Ms. Anusha Naik, Dy. G.A.

Hon'ble Mr. 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. 551/2025 registered at Police Station Pamgarh, District Janjgir-Champa (C.G.) for the offence punishable



under Sections 318(4), 3(5) of BNS.

- 2.** Case of the prosecution, in brief, is that the complainant was approached by co-accused, Bhupendra Sahu, father of the present applicant, who represented that he was engaged in the business of sale and purchase of lands and that his son (present applicant) was involved in share market trading. He allegedly induced the complainant to invest money on the assurance of getting double returns. Acting upon such inducement, the complainant invested a total amount of Rs.2,00,51,000/- through cash and online transactions and received only Rs.10,00,000/- as return. Thereafter, the accused persons allegedly failed and refused to return the remaining amount, leading to registration of FIR bearing Crime No. 551/2025 at Police Station Pamgarh, District Janjgir-Champa (C.G.) for the offences punishable under Sections 318(4) and 3(5) of the Bharatiya Nyaya Sanhita, under which the present applicant is being prosecuted. Hence, the bail application.
- 3.** Learned counsel for the applicant submits that the applicant has not committed any offence and he has been falsely implicated in offence in question. He further submits that a bare reading of the FIR reveals that the complainant had invested the amount with full knowledge of the risks involved in share market trading, and therefore, any loss arising therefrom cannot be attributed as a criminal act on the part of the applicant. He also submits that the applicant has already returned an amount of Rs.10,00,000/- to the complainant, which clearly demonstrates absence of any dishonest



or fraudulent intention from the very inception, and thus, the essential ingredients of the alleged offence are not made out against the applicant. The applicant is in jail since 08.12.2025, the applicant has two criminal antecedents of the year 2025, out of which, in one case applicant has been granted bail by this Court vide order dated 10.02.2026 in MCRC No.10322 of 2025, further the charge-sheet has been filed 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 in the present case. She further submits that the present applicant in connivance with co-accused, Bhupendra Sahu, induced the complainant to invest a substantial amount of Rs.2,00,51,000/- in the name of share market trading on the false promise of doubling the investment, and after receiving the said amount through cash and online transactions, returned only Rs.10,00,000/- and dishonestly failed to repay the remaining amount, thereby allegedly committing cheating, further the applicant has two criminal antecedents of the year 2025 of similar nature, therefore, the applicant is not entitled for grant 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, nature and gravity of offence, period of detention of the applicant since 08.12.2025, the fact that though the applicant in connivance



with co-accused, Bhupendra Sahu, allegedly induced the complainant to invest a substantial amount of Rs.2,00,51,000/- in the name of share market trading on the false promise of doubling the investment, and after receiving the said amount through cash and online transactions, returned only Rs.10,00,000/- and dishonestly failed to repay the remaining amount, but considering the fact that the applicant has only two criminal antecedents, which are of the year 2025, out of which, in one case of similar nature, the applicant has already been granted bail by this Court vide order dated 10.02.2026 in MCRC No.10322 of 2025, further the charge-sheet has been filed, this Court is of the view that the applicant is entitled to be released on bail in this case.

7. Accordingly, the application is **allowed**.
8. Let the Applicant-**Hirendra Kumar Sahu**, involved in Crime No. 551/2025 registered at Police Station Pamgarh, District Janjgir-Champa (C.G.) for the offence punishable under Sections 318(4), 3(5) of BNS, 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.

9. Office is directed to send a certified copy of this order to the trial Court for necessary information and compliance.

Sd/-

(Ramesh Sinha)
CHIEF JUSTICE