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HIGH COURT OF CHHATTISGARH AT BILASPUR**MCRC No. 2391 of 2026**

Chand Babu @ Chand Mohammad S/o Usman Gani Aged About 32 Years R/o House No. 67, Dipak Vihar, Khora Colony, Sector- 62, Noida, Gautam Buddha Nagar, Uttar Pradesh Pin- 476337 Presently Residing At Bada Imambada, Ward No 21, Sheopur, Near Siviyan Masjid, Police Station- Kotwali, Sheopur, Madhya Pradesh, Pin 476337 (Particulars Of The Applicant Is Mentioned Correctly)

... Applicant**versus**

State Of Chhattisgarh Through Station In Charge, Police Station- Tikrapara, District Raipur (C.G.)

... Non-applicant

For Applicant : Mr. Anmol Sharma, Advocate
For State/ Non-applicant : Mr. Priyank Rathi, G.A.

Hon'ble Shri Ramesh Sinha, Chief Justice**Order on Board****07.05.2026**

1. The applicant has preferred this First Bail Application under Section 483 of The Bharatiya Nagarik Suraksha Sanhita (BNSS)



for grant of regular bail, as he has been arrested in connection with Crime No.734/2025, registered at Police Station: Tikrapara, District-Raipur (C.G.) for the offence punishable under Sections 318(4) & 3(5) of Bhartiya Nyaya Sanhita, 2023.

2. That, the prosecution story, in brief, is that between 15.09.2025 and 17.09.2025, the complainant Ms. Archana Bhadauriya allegedly received a fraudulent WhatsApp message containing a suspicious link, upon clicking which her mobile phone was compromised and an amount of Rs. 5,12,900/- was allegedly siphoned off from her IndusInd Bank account. In this regard, FIR No. 734/2025 was registered at Police Station Tikrapara, District Raipur, against unknown persons for the offence punishable under Section 318(4) of the Bharatiya Nyaya Sanhita, 2023. During investigation, it was revealed that out of the defrauded amount, a sum of Rs. 1,00,000/- was transferred to the bank account of co-accused Saurabh Kumar, which was allegedly linked with multiple cyber fraud complaints registered on the Cyber Crime Portal from different States. It is further alleged that during investigation, co-accused Saurabh Kumar, in his memorandum



statement, disclosed the names of the present applicant and other co-accused persons alleging their involvement in facilitating withdrawal and transfer of cheated amounts through ATM and other banking transactions. Thereafter, the applicants were arrested and, upon completion of investigation, charge-sheet has been filed against them.

3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the present case and there is no direct evidence connecting him with the alleged offence. It is submitted that the applicant has been implicated solely on the basis of the memorandum statement of co-accused persons and no incriminating article has been seized from his possession. The allegedly siphoned amount was transferred to the account of co-accused Saurabh Kumar and not to the account of the present applicant. It is further submitted that similarly situated co-accused persons have already been granted bail by this Hon'ble Court vide order dated **24.02.2026** passed in **MCRC No. 794 of 2026** and **MCRC No. 851 of 2026**, and therefore the applicant is entitled to the benefit of parity. The applicant is in judicial custody **since 03.11.2025**, charge-sheet has already been filed and he has no



previous criminal antecedents, hence, he deserves to be enlarged on bail.

4. Per contra, learned State counsel opposes the bail application and submits that the applicant is specifically named during the course of investigation and the material collected by the prosecution prima facie establishes his involvement in the cyber fraud transaction. It is submitted that the offence alleged is serious in nature involving cheating and illegal siphoning of money through organized banking transactions causing financial loss to the complainant. The State further submits that merely because the charge-sheet has been filed or co-accused persons have been granted bail does not entitle the present applicant to bail as a matter of right, as the role of each accused is distinct and requires separate consideration. It is also apprehended that if released on bail, the applicant may influence witnesses or indulge in similar offences. Therefore, it is prayed that the bail application be rejected.
5. I have heard learned counsel for the parties and perused the material available on record.
6. Considering the rival submissions of learned counsel for the



parties, the nature of allegations, material available on record and the fact that the applicant has been implicated mainly on the basis of the memorandum statement of co-accused persons, this Court finds that the allegedly siphoned amount was not transferred to the bank account of the present applicant. It is also not in dispute that similarly situated co-accused persons have already been granted bail by this Hon'ble Court vide order **dated 24.02.2026** passed in **MCRC No. 794 of 2026** and **MCRC No. 851 of 2026**, and the case of the present applicant stands on similar footing. The applicant is in judicial custody **since 03.11.2025**, the charge-sheet has already been filed and there are no previous criminal antecedents against him. Considering the period of detention, completion of investigation and the principle of parity, I am inclined to **allow** the application without commenting anything on the merits of the case.

7. Accordingly, the application is **allowed**. Let applicant, Chand Babu @ Chand Mohammad involved in Crime No.734/2025, registered at Police Station: Tikrapara, District-Raipur (C.G.) for the offence punishable under Sections 318(4) & 3(5) of Bhartiya Nyaya Sanhita, 2023, 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 them 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 Bharatiya Nyaya Sanhita 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 Section 209 of 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)



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*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.

Sd/-

**(Ramesh Sinha)
Chief Justice**

Arpan