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NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****MCRC No. 3251 of 2026**

Abhishek Jaiswal S/o Brijnandan Jaiswal Aged About 22 Years R/o Village-
Chandani Biharpur, Mohali, Police Station And Tahsil- Chandani Biharpur
District- Surajpur (C.G.) **...Applicant**

versus

State Of Chhattisgarh Through The Station House Officer Through , Police
Station - Balrampur District- Balrampur- Ramnujganj (C.G.) **...Respondent**

For Applicant	: Mr. Shivendu Pandya, Advocate,
For Respondent/CBI	: Ms. Anusha Naik, Dy. G.A.

Hon'ble Shri Ramesh Sinha, Chief Justice**Order on Board****10.04.2026**

- The applicant has preferred this Second Bail Application under Section 483 of B.N.S.S. for grant of regular bail, as he has been arrested in connection with Crime No. 40 of 2025 registered at Police Station : Balrampur District- Balrampur- Ramnujganj for the offence punishable under Sections 317(2), 317(4), 317(5), 318(4), 61(2)(a), 338, 339, 340, 341 of the BNS.



2. The earlier bail application of the applicant was rejected on merits by this Hon'ble Court vide order dated 13.08.2025 passed in MCRC No. 6204 of 2025.
3. The case of the prosecution, in brief, is that on the basis of a letter issued by the Superintendent of Police, Balrampur, an inquiry was initiated regarding mule bank accounts allegedly opened in different names in various commercial banks. The inquiry was conducted through the Cyber Crime Coordination Centre portal under the Ministry of Home Affairs, Government of India. During the inquiry, it was found that an account bearing No. 1427018440898043 in Utkarsh Small Finance Bank, standing in the name of Shoaib Khan, was allegedly used along with his associates for receiving unlawful monetary benefits. It is alleged that the said account was used as a mule account for transferring, withdrawing and laundering proceeds of cyber crime. During investigation, it was further found that such accounts were maintained in the names of several individuals, including the present applicant and other co-accused persons. The Cyber Crime Coordination Centre portal allegedly reflected fraudulent transactions amounting to Rs. 8,22,146/- in the said mule account. On the basis of such information, Police Station Balrampur registered Crime No. 40/2025 against Shoaib Khan and, during the course of investigation, the present applicant and other co-accused persons were implicated on the basis of memoranda of co-accused persons. It is alleged that the applicant, along with other co-accused persons, committed the offence of cheating by way of transactions through such accounts, and accordingly, offences punishable under Sections 317(2), 317(4), 317(5), 318(4), 61(2)(a), 338, 339, 340 and 341 of the



Bharatiya Nyaya Sanhita, 2023 have been registered against the applicant and other accused persons.

4. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the present case. The entire prosecution story is fabricated and concocted and no prima facie case is made out against the applicant. The prosecution has failed to establish any mens rea on the part of the applicant and has not placed any document to show that the applicant was involved in the alleged offence of cheating or that he derived any wrongful gain or profit therefrom. It is submitted that no amount was ever credited to the bank account of the applicant, nor did he receive any amount from any government fund. The applicant neither opened any mule account nor deposited, credited or embezzled any amount in any account. It is further submitted that the main accused persons have falsely implicated the applicant by way of conspiracy and there is no material to show his involvement in the alleged offence. The applicant had earlier preferred an application under Section 483 of the BNSS before the learned Sessions Judge, Balrampur, which came to be rejected vide order dated 29.04.2025. It is further submitted that the entire case is based on documentary evidence and, therefore, there is no possibility of the applicant interfering with the investigation or tampering with the prosecution witnesses. The applicant is a young student of B.Tech Engineering and his continued detention would cause irreparable loss to his education and future prospects. It is also submitted that similarly placed co-accused namely Nitesh Puri has already been granted regular bail by the Supreme Court of India on 16.02.2026 in Criminal Appeal No. 941/2026 arising out of SLP



(Criminal) No. 16083 of 2025, and therefore, the present applicant is also entitled to bail on the ground of parity. Further, the applicant has already been acquitted in Crime No. 41/2025 registered at Police Station Balrampur vide judgment dated 10.03.2026 for similar offences under Sections 317(2), 317(4), 317(5), 318(4), 61(2)(a), 338, 339, 340 and 341 of the Bharatiya Nyaya Sanhita, 2023. The applicant is in judicial custody since 23.04.2025 and such prolonged incarceration is causing grave hardship to his family members. Investigation has already been completed and, therefore, there is no question of interfering with the investigation or tampering with the evidence or prosecution witnesses. The applicant is a peace-loving, respectable and law-abiding citizen, having no criminal antecedents, and is a permanent resident of the address mentioned in the cause title. Therefore, there is no likelihood of his absconding or tampering with the prosecution witnesses. The applicant undertakes to face the trial and is ready to furnish adequate surety and abide by all the terms and conditions that may be imposed by this Hon'ble Court while granting bail.

5. On the other hand learned State counsel opposes the bail application of the applicant and submits that the charge-sheet has been filed in the present case.
6. I have heard learned counsel for the parties and perused the case diary.
7. Considering the facts and circumstances of the case, the nature and gravity of the offence alleged against the present applicant, and the fact that the similarly placed co-accused, namely Nitesh Puri , has



already been granted bail by the Hon'ble Supreme Court in SLP No. 16083 of 2025 vide order dated 16.02.2026, this Court finds that the present applicant is entitled to the benefit of parity. It is further noted that the charge-sheet has already been filed before the competent Court and the applicant has been in judicial custody since 23.04.2025, and the conclusion of the trial is likely to take some more time. In view of the aforesaid circumstances, this Court is of the considered opinion that the applicant is entitled to be released on bail in the present case.

8. Let the Second Bail of the Applicant – **Abhishek Jaiswal**, involved in Crime No. 40 of 2025 registered at Police Station : Balrampur District- Balrampur- Ramnuganj for the offence punishable under Sections 317(2), 317(4), 317(5), 318(4), 61(2)(a), 338, 339, 340, 341 of the BNS, 1988 and Section 61(2) of the BNS 2023, 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.
- (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



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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 concerned for necessary information and compliance forthwith.

Sd/-
(Ramesh Sinha)
Chief Justice