



2026:CGHC:22082



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 3321 of 2026

Ajay Tiwari S/o Premchand Tiwari Aged About 32 Years R/o Rahul Vihar,
Vijay Nagar, District - Ghaziabad U.P.

... Applicant(s)

versus

State Of Chhattisgarh Through The S H O Police Station Mujgahan,
District Raipur Chhattisgarh

... Non-applicant(s)

For Applicant	:	Mr. Avinash Chand Sahu, Advocate.
For Non-Applicant	:	Ms. Vaishali Mahilong, Deputy Govt. Adv.

Hon'ble Mr. Ramesh Sinha, Chief Justice

Order on Board

11/05/2026

1. This is the first bail application filed under Section 483 of the BNSS for grant of regular bail to the applicant who has been arrested in connection with Crime No. 24/2026 registered at Police Station Mujgahan, District- Raipur (C.G.) for the offence punishable under Sections 318(4) of BNS and Section 66 (d) of I.T. Act.
2. As per the prosecution story, in brief, the complainant submitted an application to DBT Bank for withdrawal of the maturity amount of an insurance fixed deposit. During the course of investigation, it was revealed that the accused persons had defrauded the complainant



by inducing him, on the false pretext of releasing the maturity amount of the policy, to deposit a sum of Rs. 9,60,000/- into various bank accounts in the name of completing necessary formalities. It is alleged that calls were made to the complainant's phone number, whereby he was deceived into transferring the said amount to different bank accounts. Consequently, upon investigation, a case was registered against the accused persons under Section 318(4) of the BNS and Section 66(d) of the IT Act.

3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the present case. It is further submitted that the name of the applicant has surfaced only on the basis of the memorandum statement of the co-accused persons and no recovery whatsoever has been made from the possession of the present applicant. He further submits that the essential ingredients of the alleged offences are not attracted against the applicant. It is also submitted that the entire alleged amount has already been returned to the complainant and the complainant himself has appeared before the learned trial Court and filed an affidavit stating therein that he has received the amount and has no objection if bail is granted to the applicant. It is further contended that the case is based upon documentary and electronic evidence, which are already in possession of the prosecution agency, therefore, there is no possibility of tampering with the evidence. He also submits that there is no direct evidence connecting the applicant with the alleged offence, such as any bank transaction, call detail record or recovery of incriminating material



from him. It is further argued that the learned Sessions Court rejected the bail application solely on the ground of seriousness of the offence without properly appreciating the material facts of the case, including return of the amount, affidavit of the complainant and absence of evidence against the applicant. It is lastly submitted that the applicant is in judicial custody since 21.03.2026, the trial is likely to take considerable time for its conclusion therefore, continued incarceration of the applicant would amount to pre-trial punishment. Accordingly, he prays for grant of bail.

4. On the other hand, learned State counsel opposes the prayer for grant of bail and submits that there is sufficient prima facie material available against the applicant. It is submitted that the applicant was actively involved in the organized cyber fraud wherein the complainant was induced to transfer money into various bank accounts on the false pretext of release of insurance maturity amount. He further submits that during investigation, the involvement of the applicant surfaced on the basis of memorandum statements, CDR analysis, SDR, location tracking and electronic evidence, and incriminating articles including mobile phones, SIM cards and handwritten diary used in the commission of offence have also been seized. Hence, considering the seriousness and nature of allegations, the applicant is not entitled to be released on bail.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Considering the facts and circumstances of the case, particularly the fact that the charge-sheet has not yet been filed before the



competent Court, the entire alleged amount has already been returned to the complainant and the complainant has filed an affidavit expressing no objection to the grant of bail to the applicant, coupled with the fact that the applicant has no criminal antecedents and is in judicial custody since considerable time and further considering that the conclusion of the trial is likely to take considerable time, this Court is of the view that the applicant is entitled to be released on bail.

7. Accordingly, the bail application of the applicant is **allowed**.
8. Let the Applicant- **Ajay Tiwari**, involved in Crime No. 24/2026 registered at Police Station Mujgahan, District- Raipur (C.G.) for the offence punishable under Sections 318(4) of BNS and Section 66 (d) of I.T. Act 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 concerned for necessary information.

Sd/-
(Ramesh Sinha)
Chief Justice