



2026:CGHC:21489

**NAFR****HIGH COURT OF CHHATTISGARH AT BILASPUR****MCRCA No. 595 of 2026**

Om Prakash Thakur S/o Shri Laxmeswar Aged About 32 Years R/o Tola Katarva Police Station Bituhar District Madhubani, Bihar.

**... Applicant****versus**

State of Chhattisgarh Through The Police Station Gudihari Raipur, District Raipur C.G.

**... Non-applicant**

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For Applicant	: Mr. Gajanand, Advocate.
For Non-applicant/State	: Ms. Vaishali Mahilong, Deputy G.A.

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

1. This first anticipatory bail application under Section 482 of the Bhartiya Nagarik Suraksha Sanhita, 2023 has been filed by the applicant, who is apprehending his arrest in connection with Crime No. 327/2025 registered at Police Station Gudihari Raipur, District Raipur, (C.G.) for the offence punishable under Sections 303(2), 317(2), 317(4), 317(5), 111 and 3(5) of the Bharatiya Nyaya Sanhita, 2023.
2. As per the prosecution's case, in brief is that during the course of investigation conducted in connection with a complaint regarding



theft of a mobile phone and unauthorized withdrawal of an amount of Rs. 99,000/- in two installments through PhonePe, the police arrested certain accused persons and, on the basis of their memorandum statements, it was alleged that the present applicant along with other co-accused persons had provided the root account for receiving the defrauded amount. It is further revealed from the records of the trial Court that the applicant/accused was earlier granted interim bail by the learned CJM, Alipore, Kolkata Court and was directed to surrender before the concerned trial Court on or before 18.08.2025, however, the applicant failed to surrender within the stipulated period, pursuant to which the trial Court issued an arrest warrant against him. The matter has also been heard previously by this Hon'ble Court. Hence, the present anticipatory bail application.

3. Learned counsel for the applicant submits that the present 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 memorandum statements recorded during the course of investigation and there is no direct evidence available on record connecting the applicant with the commission of the alleged offence. He further submits that there are in total six accused persons in the present crime, out of whom five co-accused persons, namely Sheikh Suleman in MCRC No. 1924/2026, Sonu Kumar in MCRC No. 10519/2025, Ankit Sharma in MCRC No. 2336/2026, Yasin Quraishi in MCRC No. 1819/2026 and Vikash Mehto in MCRC No. 10116/2025, have already been granted regular bail by



the competent Court, and therefore, the present applicant is also entitled to the benefit of parity. It is also submitted that if the applicant is arrested, his social reputation and reputation in society would be seriously affected, causing irreparable loss which cannot be compensated in any manner. He further submits that no prima facie case is made out against the applicant for the offences punishable under Sections 303(2), 317(2), 317(4), 317(5), 111 and 3(5) of the B.N.S. It is further submitted that the applicant has no criminal antecedents and has never been involved in any criminal case previously. Therefore, it is prayed that the applicant be granted anticipatory bail.

4. On the other hand, learned State counsel, appearing for the non - applicant/State, opposes the submission made by the learned counsel for the applicant and submits that during the course of investigation, the involvement of the present applicant has surfaced in connection with the alleged offence relating to theft of mobile phone and fraudulent withdrawal of money through PhonePe by using bank accounts arranged for receiving the defrauded amount. It is further submitted that the applicant had earlier been granted interim/transit bail by the learned CJM, Alipore, Kolkata Court and was specifically directed to surrender before the concerned trial Court on or before 18.08.2025, however, despite such protection granted by the Court, the applicant failed to surrender within the stipulated time, pursuant to which an arrest warrant has been issued against him by the trial Court. She further submits that the conduct of the applicant clearly shows non-cooperation with the



investigation and disregard to the judicial order passed by the competent Court. It is also submitted that the offences alleged against the applicant are serious in nature involving cyber fraud and illegal transfer of cheated money through various accounts, and custodial interrogation of the applicant is still required for effective investigation. Therefore, considering the nature and gravity of the offence, the role attributed to the applicant and his conduct in not complying with the order of the Court, the application deserves to be rejected.

5. I have heard learned counsel for the parties and perused the case diary.
6. Considering the facts and circumstances of the case, particularly taking into account that the implication of the present applicant appears to be mainly on the basis of memorandum statements recorded during the course of investigation and there is no allegation of direct withdrawal of the alleged cheated amount by the applicant himself. This Court has also taken note of the fact that out of six accused persons involved in the present crime, five co-accused persons have already been enlarged on regular bail by the competent Court and, therefore, the case of the present applicant stands on a similar footing for the purpose of consideration of bail on the ground of parity. Though the learned State counsel has opposed the application on the ground that the applicant was earlier granted interim/transit bail by the learned CJM, Alipore, Kolkata Court and thereafter failed to surrender within the stipulated period, resulting in issuance of arrest warrant against him, however,



considering the overall material available on record, the nature of allegations, the fact that the investigation substantially rests upon memorandum statements, the absence of criminal antecedents of the applicant and without commenting anything on the merits of the case, this Court is of the considered opinion that the applicant deserves to be enlarged on anticipatory bail.

7. Accordingly, the instant MCRCA is **allowed** and it is directed that in the event of arrest of the applicant – **Om Prakash Thakur** on executing a personal bond and one surety in the like sum to the satisfaction of the arresting Officer, he shall be released on bail on the following conditions:-

(a) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such fact to the Court.

(b) The applicant shall not act in any manner which will be prejudicial to fair and expeditious trial.

(c) The applicant shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

(d) The applicant and the surety shall submit a copy of her adhaar card along with a coloured postcard full size photo having printed the adhaar number on it, which shall be verified by the trial Court.

(e) The applicant shall not involve himself in any offence of similar nature in future.

**Sd/-**

**(Ramesh Sinha)  
Chief Justice**