



2026:CGHC:18684



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 3674 of 2026

Mishri Lal Gupta S/o Radheshyam Gupta Aged About 28 Years
Resident- Gram Pahadi Post Pahadi, Thana Shahpur, District Rewa
(M.P.), Hall Mukam- Care/of Radheshyam Gupta, Sahupara, Near
Shivmandir, Tatibandh, Raipur, District Raipur (C.G.)

... **Applicant(s)**

versus

State Of Chhattisgarh Through- Thana Telibandha, Raipur, District
Raipur (C.G.)

... **Respondent(s)**

For Applicant(s) : Mr. Arun Kukreja, Advocate.

For Respondent(s) : Mr. Saumya Rai, Deputy Government
Advocate.

Hon'ble Mr. Ramesh Sinha, Chief Justice
Order on Board

23/04/2026

1. This is the second bail application filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail to the applicant who has been arrested in connection with Crime



No. 610/2025 registered at Police Station Telibandha, Raipur, District Raipur (C.G.) for the offences punishable under Section 318(4) of BNS and Section 42(3)(e) of Telecommunications Act.

2. Case of the prosecution, in brief, is that vide letter dated 12.09.2025 issued by the Police Headquarters, Naya Raipur, it was informed that certain Point of Sales (POS) operators in the district were fraudulently issuing SIM cards, which were being used in various offences, including cyber crimes operated from foreign countries. In the said communication, several mobile numbers, including 8964037895, 8964062404, 8889254312 and 118 other numbers, were identified as suspicious. Upon verification, the identity holders namely Devanath Bairagi, Hitesh Sahu and Shankar Lal Sahu were summoned to the Police Station, where they stated that their identity documents had been misused without their knowledge by the operator of Mishri Mobile Shop for activating SIM cards in the names of unknown persons and selling the same to third parties. During investigation, it was found that POS ID 37761997 (MISHUPTA), associated with Mishri Mobile Shop, Telibandha, Raipur, had dishonestly and fraudulently used the identity proofs and photographs of the said persons and others to activate a total of 121 mobile numbers. On the basis of such findings, the act was found to constitute an offence under Section 318(4) of the BNS, and accordingly, a crime was registered against the said POS operator, and the matter was transferred to the Range Cyber Police Station, Telibandha, Raipur



for further investigation. Hence, the bail application.

3. Learned counsel for the applicant submits that the first bail application of the applicant was rejected by this Court vide order dated 23.02.2026 passed in MCRC No.10429 of 2025, thereafter the applicant has preferred present second bail application on the ground that the applicant is in judicial custody since 08.10.2025 and so far as the status of trial is concerned, out of 57 witnesses, the statement of not a single witness has been recorded till date, further the charge-sheet has already been filed in the present case, hence, he prays for releasing the applicant on regular bail.
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. He further submits that the applicant allegedly being the operator of Mishri Mobile Shop (POS ID 37761997), dishonestly and fraudulently misused the identity documents and photographs of various persons without their knowledge or consent for activating multiple SIM cards, and thereafter issued/sold the same to unknown third parties, which were allegedly used in commission of cyber offences, 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. From perusal of the records, it transpires that this is the second bail application of the applicant and first bail application of the



applicant was rejected by this Court vide order dated 23.02.2026 passed in MCRC No. 10429 of 2025 on the ground that there are specific and serious allegations against the applicant, who, being an authorized POS operator, allegedly misused the identity documents of several persons to fraudulently activate a large number of SIM cards (121 SIMs), which were subsequently used in cyber offences and the statements of the affected individuals *prima facie* support the prosecution case, but considering the fact that there are total 57 witnesses in the present case and the statement of not a single witness has been recorded till date and the applicant is jail since 08.10.2025, further the applicant has no criminal antecedent and charge-sheet has been filed, as such, 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-**Mishri Lal Gupta**, involved in Crime No. 610/2025 registered at Police Station Telibandha, Raipur, District Raipur (C.G.) for the offences punishable under Section 318(4) of BNS and Section 42(3)(e) of Telecommunications 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. However, this Court hopes and trusts that the trial Court shall make earnest endeavour to conclude the trial expeditiously preferably within a period of **eight months** from the date of receipt of certified copy of this order, in accordance with law, if there is no legal impediment.
10. 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

Akhil