



2026:CGHC:18674



2026:CGHC:18674

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 3706 of 2026

- Diwakar Avsariya S/o- Bharatlal Avsariya Aged About 42 Years R/o- Mahadev Nagar, Near Ashadeep School, Naya Changora Bhattha Raipur, District- Raipur (C.G.)

... Applicant(s)

versus

- State of Chhattisgarh Through Officer-In Charge Police Station- Purani Basti, District- Raipur (C.G.)

... Respondent(s)

(Cause title is taken from Case Information System)

For Applicant(s)	:	Mr. Ashutosh Mishra, Advocate
For Respondent(s)	:	Mr. Soumya Rai, Dy.G.A.

Hon'ble Shri Ramesh Sinha, Chief Justice

Order on Board

23.04.2026

1. The applicant has preferred this First Bail Application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail, as he has been arrested in connection with Crime No. 269/2025, registered at Police Station – Purani Basti, District – Raipur (C.G.) for the offence punishable under Sections 420 of Indian Penal Code.
2. The case of the prosecution, is that the complainant Taran Das Dahariya made a complaint against the present applicant alleging that he came in contact with the applicant in the year 2022 and



applicant induced him to invest money in sale purchase of the property and promised him to return 5% of amount invested as profit per month till 20 months and thereafter return of entire principle amount. It has been alleged that the a total sum of Rupees 63,50,000/- was received by the applicant from complainant and his relative namely Ritu Ahir, Nilesh Soni, Poonam Markandey, Shradha Markandey, Amit Markandey, Santram Markandey, Varsha Ahir, and Mikesh Tandon through internet banking as well as cash transaction. It has been further alleged that out of aforesaid amount Rupees 30,95,000/- was returned by him and remaining rupees 32,55,000/- was not returned. Thereafter FIR has been registered against the applicant, hence, this bail application.

3. It is argued by the learned counsel for the applicant that the applicant is innocent and has been falsely implicated in this case and there are six criminal antecedents registered against the present applicant and same are mentioned in the bail application at paragraph No.4(A). It is further submitted that there is long delayed FIR which goes to show that it completely afterthought. He also submits that applicant has been granted bail by this Court in other four criminal cases in MCRC No.10386 of 2025, MCRC NO.796 of 2026, MCRC No.1669 of 2026 and MCRC No.2759 of 2026 and copy of the same are annexed here with as Annexure A-3. It is further contended that the charge-sheet has been filed in this case. The applicant is in jail since 03.09.2025 and trial is likely to take quite long time for its conclusion, therefore, he prays for grant of bail.
4. On the other hand, the learned State counsel opposes the bail application and submits that there are six criminal antecedents registered against the present applicant and same are mentioned in



the bail application at paragraph No.4(A). learned counsel for the State could not disputed the fact that applicant has already been granted bail by this Court in other four criminal cases in MCRC No.10386 of 2025, MCRC No.796 of 2026, MCRC No.1669 of 2026 and MCRC No.2759 of 2026 and copy of the same are annexed here with as Annexure A-3, and the charge-sheet has been filed in this case.

5. I have heard learned counsel for the parties and perused all of the documents available on record.
6. Taking into consideration the facts and circumstances of the case, nature and gravity of allegation levelled against the applicant and the fact that there is a delay in lodging the FIR and applicant has already been granted bail by this Court in other four criminal cases in MCRC No.10386 of 2025, MCRC No.796 of 2026, MCRC No.1669 of 2026 and MCRC No.2759 of 2026, charge-sheet has been filed against the applicant, the applicant is in jail since 03.09.2025 and conclusion of the trial is likely to take some time, I am inclined to allow this application.
7. Let applicant, **Diwakar Asariya**, involved in Crime No.269/2025, registered at Police Station – Purani Basti, District – Raipur (C.G.) for the offence punishable under Sections 420 of Indian Penal Code, 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,



2026:CGHC:18674

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.

8. 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

Vaishali