



2026:CGHC:3983



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**MCRC No. 8820 of 2025**

Sharma Ashok Khairatilal S/o Khairatilal Aged About 44 Years R/o
House No. 628 Eshwarbaag Tenament, Behind Moni Hotel, Isanpur,
Anmadabad City (Gujrat) --- **Applicant**

versus

State Of Chhattisgarh Through Station House Officer, P.S. D.D. Nagar,
Distt. Raipur, Chhattisgarh. --- **Non-applicant**

For Applicant :Mr. Devershi Thakur, Advocate.

For Non-applicant/State :Mr. Nitansh Jiaswal, Dy. G.A

Hon'ble Shri Ramesh Sinha, Chief Justice

Order on Board

22.01.2026

1. The applicant has preferred this 1st 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.349/2024 registered at Police



Station – DD Nagar, Raipur, District Raipur (C.G.), for the offence under Sections 318(2), 319(2) and 3(5) of the BNS, 2023 r/w Section 66 of ID Act.

2. As per the prosecution story, complainant Amithabh Tripathi had lodged a complaint upon which, FIR 349/2024 was lodged. It was alleged that the complainant had visited a site launched namely Kotak Securities Limited in which he was given a 15 days free trading tips, and had work shops carried out for IPO and OPTION CALL for share trading purpose. A whatsapp group was made through which one Narayan Jindal/7384868193 came into contact and had shared a link upon which the complainant from time to time had in 12 occasions opened the link & between 02.08.2024 and 03.09.2024, had invested total of Rs.5,65,000/-. The group on the whats-app was running & communications were made regularly with the complainant, whereafter, an amount of Rs.80,000 was declined and subsequently, FIR was lodged. Based on the above allegations, the aforesaid offences have been registered against the present applicant. Hence, this application.
3. Learned counsel for the applicant submits that the present applicant is innocent and has been falsely implicated in the aforesaid case. He further submits that the applicant is the



best evidence for identification of the real culprits as the notice u/s 35(3) of the BNSS was replied on 17.03.2025, informing the investigating agency that it was the applicant who had already made complaints in January 2025 at the time of audits & had got stopped his own accounts for transactions unknown to him and further informed the Investigating team about the persons who had articulated the fraud. He further submits that the prosecution arrested the applicant suppressing the fact that the applicant herein had already made a complaint to the concerned police station and Bank prior to notices were issued regarding the transaction made in the account of the applicant by Vijay Das Radheshyam and Devilal Sain. He further submits that the applicant is himself victim of Vijay Das Radheshyam and Devilal Sain, who had used the details of the applicant for which a complaint had already been made by the applicant to the concerned police station and he was already co-operating with the investigating agency and had appeared as and when required. He further submits that the Complaint made by the applicant herein was also confirmed by the investigating agency in this case and thereafter he had been co-operating for 3 months till his arrest. He further submits that the Charge sheet was filled on 04.08.2025 and not a



single mobile of the applicant alleged to have been used in the said crime is seized from the applicant and he is in jail since 09.06.2025 and conclusion of trial is likely to take quite a long time, therefore, he may be released on bail.

4. On the other hand, learned State counsel opposes the bail application and submits that charge sheet has been filed.
5. I have heard learned counsel for the parties and perused the case diary.
6. Considering the overall facts and circumstances of the case, submission of learned Counsel for the parties, further considering that the applicant is the best evidence for identification of the real culprits and that he informed the Investigating team about the persons who had articulated the fraud and also considering the pre-trial detention, charge sheet has been filed and despite time being granted to State counsel to inform about the antecedents of the applicant, the same has not been explained, without further commenting anything on merits, I am inclined to grant bail to the applicant.
7. Let applicant- **Sharma Ashok Khairatilal** involved in Crime No.349/2024 registered at Police Station – DD Nagar, Raipur, District Raipur (C.G.), for the offence under Sections 318(2), 319(2) and 3(5) of the BNS, 2023 r/w Section 66 of



ID Act be released on bail on his furnishing **a 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 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

Priya