



2026:CGHC:3391

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 8915 of 2025

Dipesh Kumar Mishra @ Chunmun S/o Deepak Mishra Aged About 35 Years
R/o Bhattiroad, Ambikapur, P.S. And Tehsil Ambikapur, District : Surguja
(Ambikapur), Chhattisgarh **... Applicant**

versus

State Of Chhattisgarh Through Station House Officer Police Station
Gandhinagar, District : Surguja (Ambikapur), Chhattisgarh **... Non-applicant**

For Applicant	: Mr. Shakti Raj Sinha, Advocate.
For Non-applicant/State	: Mr. Nitansh Jaiswal, Dy. G.A.

Hon'ble Shri Ramesh Sinha, Chief Justice

Order on Board

20.01.2026

1. This is the first bail application filed under Section 483 of the Bhartiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail to the applicant who has been arrested in connection with Crime No. 401/2025, registered at Police Station - Gandhinagar District – Surguja (C.G.) for the offence punishable under Sections 317(4), 318(4), 61(2) of the BNS.

- 2.** According to the prosecution, as many as 26 online cyber fraud complaints were registered in relation to Canara Bank account No. 120023727639, which was in the name of co-accused Harshit Pandey and linked with mobile number 9179809200. During investigation, it was revealed that an amount of approximately Rs.4 crore was deposited in the said account between 29.07.2024 and 30.07.2024, followed by further deposits of about Rs.2.90 crore in instalments, which were subsequently transferred to various other bank accounts. Co-accused Harshit Pandey, in his disclosure statement, stated that he had handed over his bank account, ATM card and SIM card to the present applicant, Deepesh Mishra, for a consideration of Rs.30,000/-, through another co-accused, Anshul Soni, and that using these instruments, the applicant along with co-accused Anshul Soni transferred the fraudulently obtained amounts to different accounts. The call detail records of SIM number 9179809200 further corroborate the prosecution case, showing receipt of SMS alerts relating to banking transactions, thereby linking the present applicant with the operation and control of the said bank account and the commission of the alleged cyber fraud.
- 3.** Learned applicant submits that applicant is innocent and has been falsely implicated in the present matter; as the allegations levelled against him are baseless and unsupported by any cogent evidence that the entire prosecution case rests solely upon the memorandum statement of the co-accused, without any independent or corroborative material to establish the applicant's alleged involvement, and no recovery of any incriminating material, money, or instrument

has been effected from the possession of the applicant so as to directly connect him with the alleged fraudulent transactions; that the co-accused Harshit Pandey, in whose name the concerned bank account stood and from whose account the alleged transactions took place, has already been granted bail by the learned 5th Additional Sessions Judge, Ambikapur, District Surguja (C.G.), in Bail Application No. 731/2025, and therefore, on the principle of parity, the present applicant is also entitled to be released on bail; that the applicant is a permanent resident of the address mentioned in the cause title of the bail application, where his movable and immovable properties are situated, and there is no likelihood of his absconding; that the trial is likely to take considerable time to conclude and continued detention of the applicant would amount to pre-trial punishment; and that the applicant is ready and willing to furnish adequate surety and shall abide by all the directions and conditions as may be imposed by this Hon'ble Court.

4. On the other hand, learned State Counsel opposes the bail application of the present applicant and submits that the charge-sheet has already been filed in the present case.
5. I have heard learned counsel for the parties and perused the case diary.
6. Considering the overall facts and circumstances of the case, the nature and gravity of the allegations levelled against the applicant, the fact that the co-accused Harshit Pandey, in whose name the concerned bank account stood and from whose account the alleged transactions took place, has already been granted bail by the learned

Trial Court, and further taking into account that the charge-sheet has already been filed before the competent Court, that the applicant has remained in judicial custody since 16.07.2025, and that the conclusion of the trial is likely to take considerable time, this Court is of the considered view that the applicant has made out a case for grant of regular bail. Accordingly, the bail application is allowed.

7. Let applicant, **Dipesh Kumar Mishra @ Chunmun**, involved in Crime No. 401/2025, registered at Police Station - Gandhinagar District – Surguja (C.G.) for the offence punishable under Sections 317(4), 318(4), 61(2) of the BNS , be released on bail on furnishing **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 provide a certified copy of this order to the trial Court concerned for necessary information and compliance forthwith.

Sd/-

(Ramesh Sinha)
Chief Justice

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