



2026:CGHC:9246

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DEWANGAN**HIGH COURT OF CHHATTISGARH AT BILASPUR****MCRC No. 9805 of 2025**

Sonu Wadhwani S/o Late Gyanchand Wadhwani Aged About 28 Years R/o Adarsh Colony, Matadewalay Ward, Bhatapara, Police Station Bhatapara (City), District Balodabazar-Bhatapara (C.G.)

--- Applicant(s)**versus**

State Of Chhattisgarh Through - Station House Officer, Police Of Police Station Bhatapara (City), District Balodabazar-Bhatapara (C.G.)

--- Non-applicant(s)

For Applicant(s) : Mr. Anil Kumar Gulati, Advocate.

For Non-applicant(s) : Ms. Anusha Naik, Deputy Govt. Advocate.

MCRC No. 9900 of 2025

Sonu Wadhwani S/o Late Gyanchand Wadhwani Aged About 28 Years R/o Adarsh Colony, Matadewalay Ward, Bhatapara, Police Station- Bhatapara (City), District- Balodabazar-Bhatapara (C.G.) (Age Is Mentioned As Per Charge Sheet)

---Applicant(s)**Versus**

State Of Chhattisgarh Through - Station House Officer, Police Of Police Station Bhatapara (City), District- Balodabazar-Bhatapara (C.G.)

--- Non-applicant(s)

For Applicant(s) : Mr. Anil Kumar Gulati, Advocate.

For Non-applicant(s) : Ms. Anusha Naik, Deputy Govt. Advocate.

Hon'ble Mr. Ramesh Sinha, Chief Justice

Order on Board

23.02.2026

1. Since the above bail applications are arising out of same offence but different crime numbers so they are being heard and decided by this common order.
2. These are the First bail applications filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail to the applicants who have been arrested in connection with Crime No.396/2025 and Crime No. 393/2025 registered at Police Station-Bhatapara City, District- Balodabazar-Bhatapara (C.G.) for the offences punishable under Sections 314, 317(2), 317(4), 61(2)(A), 112 of Bhartiya Nyay Sanhita and 66-C, 66-D of Information Technology Act, 2000.
3. The prosecution case, in brief, is that on the basis of information received from the Department of Home Ministry, Government of India, it was revealed that certain amounts, Rs.1,55,600/- and Rs.49,000/-, suspected to be proceeds of cyber fraud, had been transferred into bank accounts operating within the jurisdiction of Police Station Bhatapara City. On the basis of the said information, separate FIRs were registered on 14.07.2025 and the matters were taken up for investigation. During the course of investigation, it was found that the said bank accounts had been opened and were being used for the commission of cyber fraud and for receiving illegal money obtained through online financial fraud. It was further revealed that the fraudulent amounts were credited into the bank accounts of the

present applicant and the said accounts were actively used in connection with the alleged cyber fraud activities. On the basis of the material collected during investigation, the present applicant along with other co-accused persons was arrested for the commission of the alleged offences.

4. Learned counsel for the applicant submits that the applicant is an innocent person and has been falsely implicated in the present cases and he has not acted in the manner alleged by the prosecution. It is submitted that even if the entire prosecution story is accepted as it is, at the most it would show that the bank accounts of the applicant were misused by co-accused Sanjay Tharani, who had asked the applicant to open bank accounts and arrange other persons for opening accounts on the assurance of payment of commission. It is submitted that the applicant had opened bank accounts at Bank of India, Bhatapara and Indian Overseas Bank, Bhatapara and thereafter handed over the ATM cards, passbooks and other account details to Sanjay Tharani and Rajesh Tharani in lieu of monetary consideration, for which the applicant received certain amounts out of which part of the commission was paid to co-accused Mohammad Aziz and Rohit Sobhwani. It is submitted that there is no active role attributed to the applicant in the commission of the alleged cyber fraud and no material has been collected by the prosecution to establish that the applicant had knowledge that the said accounts would be used for cyber fraud activities. It is further submitted that in one of the crimes, the memorandum statement recorded in another crime number has been relied upon and no independent memorandum statement of the applicant has been recorded in the present case, therefore the

involvement of the applicant is not prima facie established. It is also submitted that in some of the cases the alleged fraudulent amounts were not transferred into the account of the applicant and were credited into the accounts of co-accused persons, which further weakens the prosecution case against the applicant. He further submits that the applicant is a poorly educated person, having studied only up to Class 8th, and without understanding the consequences he handed over his bank account details to Sanjay Tharani and the same were subsequently misused without his knowledge. It is further submitted that the applicant is in judicial custody since 08.09.2025 and 25.09.2025 and the trial is likely to take considerable time for its conclusion. It is submitted that there is no likelihood of the applicant absconding or tampering with the prosecution evidence and therefore the applicant deserves to be released on regular bail.

5. On the other hand, learned State counsel opposes the bail application and submits that the present applicant is actively involved in the commission of cyber fraud and has been rightly implicated on the basis of material collected during the course of investigation. It is submitted that fraudulent amounts of Rs.1,55,600/- and Rs.49,000/- were transferred into the bank accounts of the applicant and the investigation clearly reveals that the said accounts were opened and used for receiving illegal money obtained through cyber fraud. It is further submitted that the applicant had deliberately opened the bank accounts and handed over the ATM cards, passbooks and other account details to co-accused persons for monetary consideration, which clearly indicates his conscious involvement in the criminal conspiracy. It is submitted that merely alleging misuse of bank

accounts cannot absolve the applicant of liability when the accounts were opened and operated with his knowledge for illegal purposes. Considering the seriousness of the offence and the material collected during investigation, the applicant is not entitled to be released on bail. Hence, the bail application deserves to be rejected.

6. In compliance with the order of this Hon'ble Court, the Investigating Officer has filed his affidavit stating that during the course of investigation it was revealed that the present accused applicant was actively involved in the commission of cyber fraud by opening bank accounts and facilitating their use for illegal financial transactions. The applicant himself disclosed in his memorandum statement that he had opened bank accounts at the instance of co-accused Sanjay Tharani and handed over the ATM cards, passbooks and account details to him in lieu of monetary consideration of about Rs.20,000/-, out of which Rs.4,000/- each was paid to co-accused Mohammad Aziz and Rohit Sobhwani. It is further revealed that several complaints have been lodged on the National Cyber Crime Reporting Portal from different States regarding cyber fraud transactions through the bank accounts of the applicant, and substantial amounts including Rs.1,55,600/- and about Rs.23,29,084/- were credited and subsequently withdrawn by the accused persons within a short span of time. During investigation, bank documents and cheque books were seized from the possession of the applicant and the accounts were found to have been used for organized cyber fraud activities. It is further stated that the co-accused Sanjay Tharani is still absconding and there are

two other similar criminal cases registered against the present applicant, which indicates that he is a habitual offender. It is further stated that if the applicant is released on bail, he is likely to abscond and tamper with the evidence, which would adversely affect the investigation. Hence, the applicant is not entitled to be released on bail.

7. I have heard learned counsel for the parties and perused the case diary.
8. Considering the submissions made by learned counsel for the parties and upon perusal of the case diary and material available on record and the affidavit filed by the investigating officer, this Court finds that prima facie material is available to show the involvement of the present applicant in the alleged cyber fraud activities. The investigation reveals that the bank accounts in question were opened in the name of the applicant and fraudulent amounts including Rs.1,55,600/- and Rs.49,000/- were transferred into such accounts. The material collected during investigation as well as the memorandum statement of the applicant indicate that the applicant had opened the bank accounts and voluntarily handed over the ATM cards, passbooks and other account details to the co-accused persons for monetary consideration, which prima facie reflects his conscious participation in facilitating the commission of cyber fraud. The contention of the learned counsel for the applicant that the accounts were misused without his knowledge and that he had no active role in the alleged offence cannot be accepted at this stage in view of the material collected during investigation. The affidavit filed by

the Investigating Officer further discloses that multiple cyber fraud complaints from different States have been reported in connection with the bank accounts of the applicant and substantial amounts were routed through such accounts within a short span of time. The investigation also reveals that the co-accused Sanjay Tharani is still absconding and two other similar criminal cases have been registered against the present applicant, which prima facie indicates his involvement in similar offences.

9. Considering the nature and gravity of the offence, the manner in which the bank accounts of the applicant were used for organized cyber fraud activities, the criminal antecedents of the applicant and the likelihood of absconding or tampering with evidence, this Court is not inclined to grant bail to the present applicant.
10. Accordingly, the bail applications filed by the applicant in both the crime numbers deserve to be and are hereby **rejected**.
11. Needless to say that the trial Court concerned is at liberty to proceed and conclude the trial expeditiously.
12. Office is directed to provide a certified copy of this order to the trial Court concerned for necessary information and compliance.

Sd/-

(Ramesh Sinha)
Chief Justice