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HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 9251 of 2025

Mohammad Aziz S/o Nur Mohammad Aged About 32 Years R/o Krishna Nagar, Nayapara Ward, Bhatapara, Thana- Bhatapara City, Distt. Balodabazar-Bhatapara C.G.

--- **Applicant(s)**

versus

The State Of Chhattisgarh Through S H O, Police Station- Bhatapara City, Distt. Balodabazar-Bhatapara C.G.

--- **Non-applicant(s)**

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

MCRC No. 9863 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.

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Hon'ble Mr. Ramesh Sinha, Chief Justice

Order on Board

23.02.2026

1. Since the above bail applications are arising out of same crime number and same offence 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.394/2025 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 Tenchnology 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 found that an amount of Rs. 6,599/-, suspected to be proceeds of cyber fraud, had been transferred into a bank account operating in the Bhatapara area. On the basis of the said information and written complaint lodged by the complainant Vinod Singh, an FIR was registered on 14.07.2025 and the matter was taken up for investigation. During the course of investigation, it was revealed that the aforesaid amount had been credited into the bank account of applicant Mohammad Aziz, and several complaints in respect of the said bank account were also found registered on the

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National Cyber Crime Reporting Portal from different parts of the country. It was further alleged that the said bank account was opened and operated as part of a criminal conspiracy for committing cyber fraud and for receiving illegal money. During investigation, it was disclosed that the applicant Sonu Wadhwani had asked applicant Mohammad Aziz to open the bank account and had paid him a sum of Rs. 2,000/- for the said purpose, and the said account was thereafter used for receiving fraudulent money. On the basis of the memorandum statement and material collected during investigation, the present applicants along with other co-accused persons were arrested for their alleged involvement in the commission of cyber fraud.

4. Learned counsel for the applicants submits that the applicants are innocent persons and have been falsely implicated in the present case merely on the basis of suspicion, without any cogent or reliable evidence connecting them with the alleged offence. It is submitted that the evidence collected by the prosecution is weak and inconsistent and does not clearly establish any offence of cheating or dishonest intention on the part of the applicants. Learned counsel further submits that applicant Mohammad Aziz had opened the bank account at the instance of applicant Sonu Wadhwani and handed over the same to him, for which he was paid an amount of Rs. 2,000/-, and it is alleged that an amount of Rs. 16,54,999/- was subsequently credited into the said account without the knowledge or involvement of applicant Mohammad

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Aziz. It is further submitted that there is no material on record to establish that the applicants had exclusive possession or control over the said bank account or that they were directly involved in the alleged offence, and the case has been registered only on the basis of doubt. It is also submitted that the applicants are in judicial custody since 14.07.2025 and 08.09.2025, therefore, there is no likelihood of their absconding or tampering with the prosecution evidence or influencing the witnesses. Hence, the applicants deserve to be released on bail.

5. On the other hand, learned State counsel opposes the bail application and submits that the applicants are actively involved in the commission of cyber fraud and have been rightly implicated on the basis of material collected during the course of investigation. It is submitted that on the basis of information received from the Department of Home Ministry, Government of India, it was found that fraudulent money had been transferred into the bank account of applicant Mohammad Aziz and several complaints in respect of the said account were also found registered on the National Cyber Crime Reporting Portal from different parts of the country, clearly indicating that the said account was being used for organized cyber fraud activities. It is further submitted that during investigation it was revealed that applicant Sonu Wadhwani had deliberately got the bank account opened in the name of applicant Mohammad Aziz and paid him Rs. 2,000/- for the said purpose, and thereafter the said account was used for receiving illegal money obtained through cyber fraud, which prima facie establishes the involvement of both

the applicants in a well-planned criminal conspiracy. It is further submitted that the material collected during investigation, including memorandum statements and banking transactions, clearly indicates that a substantial amount of approximately Rs. 16,54,999/- has been credited into the said bank account as proceeds of cyber fraud and therefore the plea of innocence taken by the applicants is wholly misconceived. Considering the seriousness and nature of the offence, the manner in which the applicants facilitated the operation of fraudulent bank accounts and the possibility of their influencing witnesses or tampering with evidence, the applicants are not entitled to be released on bail. Hence, the bail applications deserve to be rejected.

6. In compliance with the directions of this Court, the Investigating Officer has filed a personal affidavit stating that during the course of investigation both the accused applicants, namely Mohammad Aziz and Sonu Wadhwani, were traced and taken into custody and their memorandum statements were recorded in the presence of witnesses. It has been revealed that applicant Mohammad Aziz had opened a bank account in Indian Overseas Bank, Bhatapara Branch along with a new mobile SIM at the instance of applicant Sonu Wadhwani and handed over the bank account kit and SIM card to him for which he received Rs. 2,000/-. During further investigation, it was disclosed that applicant Sonu Wadhwani had arranged bank accounts and SIM cards on the instructions of co-accused Sanjay Tharani for

commission of cyber fraud and paid commission to the account holders. It has further been found that several complaints from different States have been registered on the Cyber Crime Reporting Portal in respect of the said bank accounts and a total amount of about Rs.16,54,999/- was credited and Rs.16,52,977/- was debited through the bank account opened in the name of applicant Mohammad Aziz within a short period of time. The investigation further revealed that the bank accounts and SIM cards were deliberately arranged and used for organized cyber fraud activities and both the applicants were arrested in connection with Crime No. 394/2025 registered at Police Station Bhatapara City for offences punishable under relevant provisions of the Bharatiya Nyaya Sanhita and Sections 66-C and 66-D of the Information Technology Act. It is further stated that applicant Sonu Wadhwani is involved in other similar cases also and if the applicants are released on bail, there is a strong likelihood of their absconding, tampering with evidence and repeating similar offences, which would adversely affect the investigation. Therefore, it is prayed that the applicants are not entitled to be released on bail.

7. I have heard learned counsel for the parties and perused the case diary.

8. Considering the facts and circumstances of the case, the nature and gravity of the allegations and the material available on record and also considering the affidavit filed by the concerned

investigation officer, this Court finds that during the course of investigation it has been revealed that the bank account of applicant Mohammad Aziz was used for receiving proceeds of cyber fraud and several complaints in relation to the said account have been registered on the National Cyber Crime Reporting Portal from different parts of the country. The case diary further reveals that the said account was opened at the instance of applicant Sonu Wadhwani, who had paid a sum of Rs. 2,000/- to applicant Mohammad Aziz and thereafter used the said account for receiving illegal money obtained through cyber fraud transactions. The banking transactions and memorandum statements collected during investigation prima facie indicate the involvement of both the applicants in the alleged offence and the explanation offered by the applicants regarding the operation of the bank account does not appear to be satisfactory at this stage.

9. Considering the seriousness of the allegations, the manner in which the bank account was used for receiving fraudulent money and the fact that a substantial amount of approximately Rs. 16,54,999/- is alleged to have been transacted through the said account, this Court is of the view that the applicants were part of a well-planned criminal conspiracy. The offence appears to have been committed in an organized manner and therefore this Court is of the view that it is not a fit case to release the applicants on bail.

10. Accordingly, the first bail application of the applicants- **Mohammad Aziz** and **Sonu Wadhwani,** involved in Crime No.394/2025 registered at Police Station- Bhatapara City, District-

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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 Tenchnology Act, 2000, is **rejected** at this stage.

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

Kunal