



2026:CGHC:10537

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 287 of 2026

Harish Yadav S/o Mohan Yadav Aged About 31 Years R/o Sanjay Nagar, Ward No. 4, Jaijaipur, Police Station- Jaijaipur, District : Janjgir-Champa, Chhattisgarh

... Applicant(s)

versus

State Of Chhattisgarh Through - Station House Officer, Police Station-Champa, District : Janjgir-Champa, Chhattisgarh

... Respondent(s)

For Applicant(s) : Mr. Aman Kumar Kesharwani, Advocate.

For Respondent(s) : Ms. Anusha Naik, Dy. G.A.

Hon'ble Mr. Ramesh Sinha, Chief Justice

Order on Board

28/02/2026

1. This is the first bail application filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of regular bail to the applicant who has been arrested in connection with Crime No. 365/2025 registered at Police Station Champa, District : Janjgir-Champa (C.G.) for the offence

punishable under Sections 317(2), 317(4), 317(5), 111(1) of BNS.

- 2.** Case of the prosecution, in brief, is that a report was lodged at Police Station Champa regarding a cyber fraud involving an amount of Rs. 1,30,92,073/-. On the basis of the said report, Crime No. 365/2025 was registered for offences punishable under Sections 317(2), 317(4), 317(5) and 111(1) of the Bharatiya Nyaya Sanhita. During the course of investigation, the police arrested accused Balram Yadav @ Ballu, who allegedly confessed that he had committed the cyber fraud in connivance with the present applicant and co-accused Michael by opening a mule bank account in his name at ICICI Bank, Branch Champa. On the basis of the said memorandum statement, the present applicant was also arrested in the matter. Hence, the bail application.
- 3.** Learned counsel for the applicant submits that the present applicant is innocent and has no manner of involvement in the alleged commission of the online fraud or in receipt of any alleged fraudulent amount. He further submits that as per the prosecution case, the alleged defrauded amount of Rs. 1,30,92,073/- was deposited in Bank Account No. 177405500454 maintained with ICICI Bank, to which Mobile No. 8817389778 is linked, however, neither the said bank account nor the aforesaid mobile number belongs to, or is operated or controlled by, the present applicant, and there is no material on record to establish any nexus of the applicant with the said account or transaction. The applicant is in

jail since 26.08.2025, the applicant has one criminal antecedent of the year 2024 under the IPC, further the charge-sheet has been filed and the trial is likely to take some time for its conclusion. Therefore, he prays for grant of bail to the applicant.

4. On the other hand, learned State Counsel opposes the bail application and submits that the charge-sheet has been filed in the present case. She further submits that the applicant allegedly in connivance with co-accused Michael Sahu, facilitated the opening of a bank account in the name of co-accused Balram Yadav @ Ballu at ICICI Bank, Branch Champa, and used the said account as a mule account for depositing and channelizing proceeds of cyber fraud amounting to approximately Rs. 1,30,92,073/-. It is alleged that the said account was utilized for receiving amounts obtained through cyber fraud committed in different States.
5. She also submits that in compliance of the Court's order dated 12.01.2026, the concerned Investigating Officer has filed his personal affidavit disclosing the evidence collected during the course of the investigation, the concerned I.O. in para 6 of his affidavit stated that during the course of investigation, the account holder, namely, Balram Yadav @ Ballu, S/o Firat Ram Yadav, R/o Sanjay Nagar, Ward No. 04, Jaijaipur, District Sakti, was apprehended and interrogated by the investigating agency. In his memorandum statement recorded under Section 27 of the Indian

Evidence Act, he disclosed that on the advice of his friend, the present applicant, Harish Yadav, came into contact with one Michael Sahu. Michael Sahu allegedly assured him that through his acquaintance Sonu Kumar, stated to be an employee of ICICI Bank, Champa Branch, a business loan could be arranged in his favour. Acting upon such assurance, Balram Yadav obtained a Gumasta (Shop Establishment) licence and opened a bank account.

6. It is alleged that, at the instance of Michael Sahu, a mobile number belonging to another person was linked to the said account. Subsequently, Sonu Kumar provided QR code scanners purportedly for shop transactions. Thereafter, as per his statement, Michael Sahu induced him to hand over his ATM card, passbook, cheque book and other account credentials on the assurance that the account would be operated for business transactions and he would receive 1% commission on the amounts deposited therein. Initially, he was allegedly paid Rs. 5,000/- per month for a few months, however, the payments were later discontinued. He further admitted that substantial amounts were deposited into his account by Michael Sahu, Sonu Kumar and the present applicant Harish Yadav, out of which he received and utilized a small portion. Upon detection of suspicious transactions, the bank account was frozen. On the basis of his disclosure statement, the investigating agency seized articles allegedly used in the commission of the offence, including a QR

code scanner, PAN card, one mobile phone and the shop establishment licence. Upon collection of material evidence during investigation, Section 111(1) of the Bharatiya Nyaya Sanhita, 2023 (BNS) was additionally invoked against the accused persons, alleging involvement in organized criminal activity and unlawful financial transactions.

7. I have heard learned counsel appearing for the parties and perused the case diary.
8. Taking into consideration the facts and circumstances of the case, nature and gravity of offence, period of detention of the applicant since 26.08.2025, the fact that though the applicant allegedly in connivance with co-accused, Michael Sahu, facilitated the opening of a bank account in the name of co-accused Balram Yadav @ Ballu at ICICI Bank, Branch Champa, and used the said account as a mule account for depositing and channelizing proceeds of cyber fraud amounting to approximately Rs. 1,30,92,073/-, but considering the fact that the role attributed to the present applicant, as per the prosecution case, is that of facilitating contact between the account holder and co-accused persons, so far as co-accused, Balram Yadav @ Ballu is concerned, the bank account in which the proceeds of the alleged cyber fraud were received stands in the name of the said co-accused, as such, the case of present applicant is distinguishable from that of the co-accused, Balram Yadav @ Ballu, further

considering the fact that the applicant has only one criminal antecedent, which is of the year 2024 under the IPC and the charge-sheet has been filed, this Court is of the view that the applicant is entitled to be released on bail in this case.

9. Accordingly, the application is **allowed**.
10. Let the Applicant-**Harish Yadav**, involved in Crime No. 365/2025 registered at Police Station Champa, District : Janjgir-Champa (C.G.) for the offence punishable under Sections 317(2), 317(4), 317(5), 111(1) of BNS, 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, 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.

- 11.** Office is directed to send a certified copy of this order to the trial Court for necessary information and compliance.

Sd/-
(Ramesh Sinha)
CHIEF JUSTICE