



CGHC010185942026



2026:CGHC:29462

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 4459 of 2026

Shahid Khan S/o Pappu Khan Aged About 25 Years R/o Khareda, Police Station - Khareda, District - Alwar (Rajasthan)

... Applicant

versus

State of Chhattisgarh Through Station House Officer, Police Station-Bhanupratappur District- Uttar Bastar Kanker (C.G.)

... Non-applicant

For Applicant	: Mr. Ali Afzaal Mirza, Advocate
For Non-applicant/State	: Ms. Anusha Naik, Dy. Govt. Advocate.

Hon'ble Mr. Ramesh Sinha, Chief Justice

Order on Board

13.07.2026

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. 27/2026 registered at Police Station – Bhanupratappur, District – Uttar Bastar Kanker (C.G.), for the offence punishable under Sections 308(2), 108 and 238 of the Bhartiya Nyaya Sanhita, 2023 and Section 67, 67(A) and 66(D) of the Information Technology Act.
2. The case of the prosecution, in brief, is that the complainant, namely Kuthalingam, lodged a written complaint at Police Station Bhanupratappur stating that on 02.02.2026, while he was on Morcha duty and his buddy, CT/GD Shiva P., was posted on the second sentry

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duty, at about 08:55 hours, three gunshots were heard from the check post (Morcha) where the deceased was deployed. Upon hearing the gunshots, Guard Commander HC/GD Anil Kumar rushed to the deceased's Morcha and found that the deceased had attempted to commit suicide. It is further alleged that, since the deceased was the complainant's friend, the complainant noticed the deceased's mobile phone ringing from mobile number 9521897384. The Truecaller application displayed the caller's name as "Manju Devi", and the mobile screen showed a WhatsApp notification from the same number containing the message, "Video delete, waiting till 12:00 o'clock, how much balance." Another WhatsApp notification was received from mobile number 9660565643 stating, "Congratulations, last 10000." From these messages, the complainant inferred that the deceased had become a victim of cyber fraud. Thereafter, the complainant unlocked the deceased's mobile phone and examined the WhatsApp chats. It is alleged that several threatening messages had been sent to the deceased from the aforesaid mobile numbers, threatening to leak and make viral his photographs unless money was paid. The chats also contained voice messages of the deceased seeking forgiveness. According to the prosecution, these threats compelled the deceased to attempt suicide by using his service rifle. On the basis of the aforesaid allegations, an FIR bearing Crime No. 27/2026 was registered at Police Station Bhanupratappur against unknown persons for offences punishable under Sections 308(2) and 108 of the Bharatiya Nyaya Sanhita, 2023, and Section 67 of the Information Technology Act, 2000. Subsequently, during the course of investigation, Section 238 of the Bharatiya Nyaya Sanhita, 2023, and Sections 67A and 66D of the Information Technology Act, 2000, were also added. Thereafter, the

accused person was arrested.

3. Learned counsel for the applicant would submit that the applicant has been falsely implicated in this case. He submits that there is no direct, cogent, or reliable evidence connecting the applicant with the alleged offences. During the investigation, the police recorded the statements of seven co-workers of the deceased. None of them is an eyewitness, and all have stated that they came to know about the alleged incident only after the death of the deceased. He also submits that the prosecution primarily relies upon the memorandum statement of the applicant, wherein it is alleged that he used to play a nude video on another mobile phone and show it to the deceased during video calls. However, no such nude photographs or videos were recovered from the applicant's mobile phone, nor is there any evidence of such video calls. Further, no WhatsApp chats or other electronic records have been filed with the charge-sheet to substantiate the allegations of blackmail, threats, or extortion. Thus, the prosecution's version is unsupported by any independent electronic evidence. He further submits that according to the prosecution itself, all the witnesses reached the place of occurrence only after hearing the gunshots. The complainant was allegedly present at the spot when the deceased sustained three gunshot injuries. This circumstance is highly suspicious, particularly when the alleged weapon, an AK-47 service rifle, operates either in single-shot mode or fully automatic mode and does not ordinarily support the prosecution's version of three separate gunshots in the manner alleged. He also submits that the FIR, the complainant's statement, and the MLC indicate that the deceased sustained three gunshot injuries. In the ordinary course of nature, a single gunshot would ordinarily be sufficient to cause death or incapacitation, making the prosecution's version inherently

doubtful. He also submits that the mobile numbers (9521897384 and 9660565643), from which the alleged threats were sent, do not belong to the applicant. Likewise, the bank account into which the deceased allegedly transferred Rs. 84,000/- is not in the applicant's name but in the name of one Manju Devi. No statement of the SIM holders or the account holder has been recorded during the investigation. He submits that the prosecution has failed to produce any photographs, videos, recordings, or any other electronic material linking the applicant with the alleged blackmail or extortion. Consequently, the prosecution story remains unsubstantiated. He further submits that the FIR and the complainant's statement are self-contradictory. It is alleged that the complainant first read the WhatsApp message notifications on the deceased's locked mobile phone and thereafter unlocked the phone to examine the chats. However, as a matter of common experience, the contents of WhatsApp messages are ordinarily not visible on a locked phone. This material contradiction strikes at the root of the prosecution case and creates serious doubt regarding its credibility. The prosecution has failed to establish any intention, instigation, or active role on the part of the applicant in aiding or abetting the commission of suicide. Moreover, the prosecution has not disclosed the date or time of the alleged threats, thereby failing to establish the requisite proximity between the alleged acts and the suicide. He submits that even if the entire prosecution case is accepted at its face value, the allegations against the applicant do not disclose any act of such a direct and proximate nature as would leave the deceased with no option except to commit suicide. Therefore, the essential ingredients of the offence of abetment of suicide are not made out against the applicant. He also submits that the present applicant has been in jail since 07.02.2026, conclusion of the trial may take some more

time, therefore, he prays for grant of regular bail to the present applicant.

4. Learned counsel appearing for the State/non-applicant opposes the bail application and submits that the charge-sheet has already been filed before the competent Court. She further submits that, in compliance with the order dated 13.05.2026 passed by this Court, the Investigating Officer has filed a personal affidavit stating that the complainant, Kunthalingam M., a resident of Melaseval, Tamil Nadu, presently residing at 33rd Battalion, SSB Camp, Kewati, Police Station Bhanupratappur, District Uttar Bastar Kanker, lodged a written complaint stating that on 02.02.2026, while he was on duty, he heard the sound of three gunshots from Shiva P. Morcha at about 08:55 p.m. Thereafter, he along with Guard Commander HC/G Anil Kumar Mourya rushed to the spot and found that Shiva P. had committed suicide by shooting himself with his service rifle. Being the buddy of the deceased, he checked the deceased's mobile phone, during which a call was received from Mobile No. 9660565643 displaying the name "Manju Devi" on Truecaller. Upon examining the phone, he noticed notifications indicating messages from Mobile Nos. 9660565643 and 9521897384 and suspected that the deceased had fallen victim to cyber fraud. After unlocking the mobile phone and examining the WhatsApp chats, it was revealed that the deceased had been threatened with making his obscene photographs and videos viral unless he paid money. The chats further disclosed that the deceased had repeatedly apologized through voice messages, yet the threats continued, due to which he became mentally distressed and ultimately committed suicide by using his service rifle. During the course of investigation, on the basis of the call detail records obtained through the Cyber Cell, Kanker, and other technical evidence, the present applicant, Shahid Khan, a resident of Khareda, District Alwar, Rajasthan,

was found to be involved in the commission of the offence. The applicant was taken into custody, interrogated, and thereafter arrested on 07.02.2026 after informing his family members of the grounds of arrest. It is further stated that the mobile phone allegedly used by the applicant in the commission of the offence was seized and it was also found that the bank account used in the crime had been taken on rent in the name of one Manju Devi, though no such woman actually existed, whereupon a Panchnama was prepared in the presence of independent witnesses. During investigation, Section 238 of the Bharatiya Nyaya Sanhita, 2023 was added on the allegation that the applicant had destroyed evidence by breaking the SIM card and the Vivo mobile phone used in the offence, and Sections 67-A and 66-D of the Information Technology Act, 2000 were also added on the allegation that the applicant had uploaded sexually explicit videos through social media platforms. The investigation further revealed that CCTV footage showing the applicant withdrawing money from the rented bank account in the name of Manju Devi at Churi Market, Malakheda, had been collected. It is further alleged that the applicant made video calls to the deceased through WhatsApp and Facebook Messenger, threatened to upload his nude videos on Facebook, and extorted an amount of Rs.84,000/- from him through online transactions. Unable to bear the continuous threats, harassment, and extortion, the deceased allegedly committed suicide. It is lastly submitted that, upon finding sufficient incriminating material against the applicant, Charge-sheet No. 39/2026 was prepared on 29.03.2026 and presented before the competent Court on 02.04.2026 for the offences punishable under the relevant provisions of the Bharatiya Nyaya Sanhita, 2023 and the Information Technology Act, 2000. Therefore, it is contended that the applicant is not entitled to the grant of regular bail.

5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Upon considering the submissions advanced by learned counsel for the parties, the case diary, the material available on record, the nature and gravity of the allegations, the specific role attributed to the present applicant, and the evidence collected during the course of investigation, this Court is of the considered view that there exists prima facie material indicating the involvement of the applicant in the commission of the alleged offences. The investigation reveals that the applicant is alleged to have subjected the deceased to continuous cyber blackmail, extortion, and threats of making his obscene photographs and videos viral, which ultimately drove the deceased to commit suicide. Having regard to the seriousness of the allegations and the incriminating electronic as well as other evidence collected during the course of investigation, this Court is of the considered opinion that the applicant is not entitled to the grant of regular bail in the present case.
7. Accordingly, the first bail application of the applicant – **Shahid Khan**, involved in Crime No. 27/2026 registered at Police Station – Bhanupratappur, District – Uttar Bastar Kanker (C.G.), for the offence punishable under Sections 308(2), 108 and 238 of the Bhartiya Nyaya Sanhita, 2023 and Section 67, 67(A) and 66(D) of the Information Technology Act, is **rejected**.
8. Needless to say that the trial Court concerned is at liberty to proceed and conclude the trial expeditiously.
9. 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