



CGHC010249912026



2026:CGHC:34251

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 6249 of 2026

Asim Rai S/o Lt. Ram Shingar Rai Aged About 35 Years R/o 03 M M
Feeder Road Kamarhati, S North 24 Pargana, Police Station
Belagdhiya, West Bengal

... Applicant

versus

State Of Chhattisgarh Through Police Station Gandhinagar, District
Surguja Chhattisgarh

... Non-Applicant

For Applicant : Shri A.K. Yadav, Advocate.

For Non-Applicant : Shri Sangharsh Pandey, GA.

Hon'ble Shri Ramesh Sinha, Chief Justice Order on Board

05/08/2026

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.46/2025 registered at Police Station Gandhinagar, District
Surguja (C.G.) for the offence under Sections 318 (4), 317 (4) &
3(5) of the BNS and under Section 66 (D) of the IT Act.

KRISHNA KUMAR BARVE	Digitally signed by KRISHNA KUMAR BARVE Date: 2026.08.06 16:46:05 +0530
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2. The prosecution case, in brief, is that complainant Nitesh Toppo, on 08/01/2025 placed an online order for a product worth approximately Rs.900/- through the website of Dr. Seth's. It is alleged that within a short time of placing the said order, the complainant received telephone calls, wherein the caller represented himself to be associated with the company and informed the complainant that he had won an electronic item worth Rs.5,000/- under a promotional offer. Believing the representations to be genuine, the complainant was directed to deposit Rs.4,905/- and thereafter was asked to transfer further amounts of Rs. 11,999/- towards GST charges, Rs.12,000/-, Rs.59,001/-, Rs.59,995/- through RTGS and thereafter Rs.30,000/- through RTGS on the assurance that the prize amount and deposited sums would be refunded. It is alleged that despite making the aforesaid payments, neither the promised prize nor the deposited amount was returned, and the complainant was dishonestly induced to part with a total amount of Rs.1,77,903/-. Upon realizing that he had been cheated, the complainant lodged a written report at Police Station Gandhinagar, District Surguja (C.G.), on the basis of which Crime No.46/2025 was registered against the accused persons for offences punishable under Sections 318(4), 317(4), 3(5) of the Bharatiya Nyaya Sanhita, 2023 and Section 66(D) of the Information Technology Act, 2000. During the course of investigation, it was found that part of the defrauded amount had

been transferred to bank accounts allegedly linked with the present accused Asim Rai. Hence the bail application.

3. It has been argued by learned counsel for the applicant that the applicant is innocent and has been falsely implicated in the crime. As per the prosecution documents, the alleged cheated amount of Rs.1,77,903/-, has not been transferred to the account of the present applicant and the amount is alleged to have been transferred through several other accounts and beneficiaries. As is evident from the memorandum statement recorded during investigation, the applicant has specifically stated that one Kausar Ali @ Munna, who was working at his photography shop, was looking after the day-to-day affairs of the business and had access to the bank account and mobile-linked banking facilities. The applicant has consistently maintained that the amount allegedly received in the account was credited and operated by the said person and that the applicant had no knowledge regarding the source of the amount. Therefore, the question as to who actually operated the account and conducted the transactions. The prosecution has not collected any independent material to disprove the specific defence of the applicant that the transactions in question were carried out by Kausar Ali @ Munna, who was associated with the operation of the photography shop and had access to the account linked with the alleged transactions. The amount alleged to have been credited into the account of the applicant has already been seized/frozen by the

investigating agency and, therefore, no purpose would be served by keeping the applicant in further judicial custody. The applicant has been in judicial custody since 20.01.2026. Therefore, the applicant may be released on bail.

4. On the other hand, learned counsel appearing for the State/non-applicant would oppose the bail application and submit that the charge sheet has been submitted against the applicant.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. In compliance of the order passed by this Court on 14.7.2026, the I.O. has filed his personal affidavit. Paras-4 to 8 of the said affidavit read as under:-

“4. It is respectfully submitted that, during investigation, the complaint registered on the National Cyber Crime Reporting Portal (1930) bearing Acknowledgment No. 23301250000265 was examined and the money trail was analysed through the banking channels. The investigation revealed that the defrauded amount was first credited into HDFC Bank Account No. 50100778211742, standing in the name of the present applicant Asim Rai, which was linked with Mobile No. 9804032374. The bank statement further revealed that the amount was subsequently withdrawn through ATM transactions.

5. That, the applicant was duly served with a notice under Section 35(3) of the Bharatiya Nagarik Suraksha Sanhita, 2023, requiring him to cooperate with the investigation. However, despite service of the notice, the applicant failed to join the investigation. Consequently, in view of his non-cooperation and the material collected during investigation, he was arrested in accordance with law.

6. It is respectfully submitted that, during custodial interrogation, the memorandum statement of the applicant was recorded. The applicant disclosed that he, in connivance with co-accused Kausar Ali @ Munna, used to receive the proceeds of cyber fraud in his bank account and derive monetary gain therefrom. Pursuant to the said disclosure, Rs.25,000/- in cash, one OPPO mobile handset linked with SIM No. 9804032374, the Aadhaar Card bearing No. 508210944789 belonging to co-accused Kausar Ali, and other incriminating documents were recovered and seized from the possession of the applicant in accordance with law.

7. That, during investigation, the details obtained from the Samnvay Portal, bank transaction records and other electronic evidence further disclosed that the applicant's bank account had received proceeds of other cyber fraud complaints bearing Acknowledgment Nos. 31301250001731 and 31901250005765. The repeated use of the applicant's account for receiving proceeds of multiple cyber frauds disclosed his active involvement in an organized cyber fraud network. Accordingly, Section 317(4) of the Bharatiya Nyaya Sanhita, 2023 was also invoked.

8. It is respectfully submitted that, the investigation further revealed the involvement of co-accused Kausar Ali @ Munna, who is presently absconding. The role of other beneficiary accounts maintained in Canara Bank and UCO Bank is also under investigation. Accordingly, after filing Charge-sheet No. 120/2026 dated 16.04.2026 against the present applicant, further investigation under Section 193(9) of the Bharatiya Nagarik Suraksha Sanhita, 2023 has been kept open to ascertain the role of the absconding co-accused and other beneficiaries.”

7. Taking into consideration the facts and circumstances of the case, and the fact that the charge sheet has already been submitted against the applicant, further considering the contents of the affidavit filed by the I.O. and that the applicant is in jail since

20.1.2026 and conclusion of trial is likely to take some time, this Court is of the view that the applicant is entitled to be released on bail in the present case.

8. Let the Applicant – **Asim Rai**, involved in Crime No.46/2025 registered at Police Station Gandhinagar, District Surguja (C.G.) for the offence under Sections 318 (4), 317 (4) & 3(5) of the BNS and under Section 66 (D) of the IT Act, 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 their counsel. In case of his absence, without sufficient cause, the trial court may proceed against them 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 applicants are 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 them in accordance with law.

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

Sd/-
(Ramesh Sinha)
Chief Justice

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