AJAY KUMAR DWIVEDI
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CGHC010282102026 2026:CGHC:46295

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 6727 of 2026

Kapil Dubey S/o Hemant Dubey Aged About 25 Years R/o Katiya Para Bilaspur Police Station Sarkanda, District Bilaspur C.G.

... Applicant.

Versus

State Of Chhattisgarh Through Station House Officer, Police Station Sarkanda District Bilaspur C.G.

... Respondent.

(cause title downloaded from CIS Periphery)

For Applicant	:	Mr. Awadh Tripathi, Advocate.
For Respondent/State	:	Mr. Vinod Tekam, Govt. Advocate.
For Complainant/objector	:	Mr. F. S. Khare, Advocate.

(Hon'ble Shri Justice Naresh Kumar Chandravanshi)

Order on Board

02/11/2026

1. This regular bail application has been filed under Section 483 of the Bhartiya Nagrik Suraksha Sanhita, 2023 (BNSS) for grant of regular bail to the applicant, who has been arrested in connection with Crime No. 1272/2023 registered at Police Station Sarkanda, District Bilaspur (C.G.), for the offence punishable under Section 420 and 34 of the IPC.

2. Earlier the anticipatory bail application bearing MCRCA No.216/2026 was filed by the applicant which resulted in dismissal on 10.02.2026.

3. Facts of the case, in brief, are that on 20.09.2023, the complainant, Basant Kumar Pandey, lodged a written complaint alleging, inter alia, that the applicant had induced him to invest money in land and online trading by representing that such investments would be more beneficial. Acting upon such representation, the complainant deposited a total sum of Rs.93,76,000/- in the bank account of the present applicant and further paid approximately Rs.44,96,105/- in cash to the applicant and his son, Kapil Dubey. Thus, the complainant allegedly paid a total sum of Rs.1,38,72,105/- to them. As no returns were received, the complainant demanded the said amount back from the accused persons. Thereafter, a sum of Rs.89,07,000/- was returned to the complainant, whereas the remaining amount of Rs.49,65,105/- is still outstanding. Alleging that the present applicant and the other co-accused persons, who are his family members, had cheated him, the complainant lodged the aforesaid complaint, on the basis of which, an FIR was registered against the accused persons at Police Station Sarkanda. After completion of investigation, the charge-sheet has been filed.

4. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the case. He further submits that, as per the initial statement of the complainant, only a sum of Rs.93,76,000/- was transferred to the applicant through online mode. Although the complainant subsequently alleged that approximately Rs.45 lakh was also paid in cash, no evidence was produced before the police to substantiate the payment of such a huge amount in cash. It is further submitted that when the initial amount was transferred through banking channels, there was no occasion for the complainant to pay the

remaining amount in cash. Learned counsel also submits that the major part of the alleged amount has already been returned to the complainant by the accused persons. The applicant is in jail since 03.07.2026. His father and mother have already been enlarged on bail. Since the charge-sheet has been filed, there is no likelihood of the applicant tampering with the evidence or influencing the witnesses. He further submits that the applicant is ready to abide by all the terms and conditions that may be imposed by this Court. Hence, the applicant may be enlarged on bail.

5. On the other hand, learned State counsel as well as learned counsel for the objector vehemently oppose the bail application and submit that an amount of Rs.49,65,105/- is still outstanding against the applicant and the co-accused persons. It is further submitted that the applicant had earlier absconded, due to which the initial charge-sheet was filed only against his parents. After his arrest on 03.07.2026, a supplementary charge-sheet has been filed against him. Hence, they pray for rejection of the bail application.

6. Heard learned counsel for the parties and perused the material available on record as well as the case diary.

7. It appears from the submissions of the parties and the material available on record that the major part of the alleged amount involved in the transaction has already been refunded to the complainant. Though, according to the complainant, a substantial amount is still outstanding, the said amount is alleged to have been paid in cash, and no authentic documentary evidence in support of such payment has been produced

by the complainant so far. The veracity of the said allegation can be examined during trial on the basis of cogent evidence. At present, the applicant is in jail since 03.07.2026. The charge-sheet has already been filed and conclusion of the trial is likely to take some more time. Hence, having regard to the aforesaid facts and circumstances of the case, without expressing any opinion on merits of the case, this Court is inclined to allow the bail application.

8. Accordingly, the bail application is **allowed**. Let the applicant be released on bail on his furnishing a personal bond for a sum of Rs.50,000/- with two sureties in the like sum to the satisfaction of the Court concerned, subject to the following conditions:

> (a) Applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court.
>
> (b) Applicant shall not act in any manner which will be prejudicial to a fair and expeditious trial.
>
> (c) Applicant shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.
>
> (d) Applicant shall not involve himself in any offence of a similar nature in future.

Sd/-

(Naresh Kumar Chandravanshi)
Judge

Ajay