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CGHC010367422026 2026:CGHC:43645

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HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 8934 of 2026

1 - Gauss Khan @ Baba Khan S/o Naasir Khan Aged About 28 Years R/o Ward No. 8, Station Para, House No. 6, Sakti Distt- Sakti (C.G.)

... Petitioner(s)

versus

1 - State Of Chhattisgarh Through District- Magistrate, Raigarh (C.G.)

... Respondent(s)

For Applicant	:	Shri Ishwar Jaiswal and Shri Ishwar Chandra, Advocates.
For Non-Applicant/State	:	Shri Keshav Gupta, G.A.

Hon'ble Shri Justice Rakesh Mohan Pandey

Order on Board

8.10.2026

1) This is the first bail application filed under under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail to the applicant, who has been arrested in connection with Crime No.446 of 2025 registered at Police Station City Kotwali, District Raigarh, Chhattisgarh for the offence punishable under Sections 111, 238, 317(2), 317(4), 317(5) and 3(5) of the Bharatiya Nyaya Sanhita, 2023.

2) The case of the prosecution, in brief, is that, on the basis of information received by the Cyber Police through the Coordination Portal, it was found that a total amount of ₹5,22,798/- had been deposited into various bank accounts maintained at different bank branches in Raigarh. Upon inquiry, the police found that, during the period from 1.6.2024 to 14.8.2025, the said amount had been credited into six different bank accounts. Consequently, a crime was registered and, during the course of investigation, the police arrested co-accused Shivaji Chandra and Jitesh Kumar Chandra, whose memorandum statements were recorded. According to the memorandum statements of the co-accused persons, the SIM card registered in the name of the present applicant was used in the commission of the said offence and the applicant was allegedly engaged in cyber fraud. On the basis of these allegations, the police arrested the present applicant and implicated him along with the other accused persons for the aforesaid offences. Hence, the present bail application.

3) Learned counsel for the applicant submits that the applicant is innocent and has not committed any offence as alleged by the prosecution. It is further submitted that he has been falsely implicated in the present case solely on the basis of the memorandum statements of the co-accused persons and that no incriminating article or material has been recovered from his possession. He further submits that the co-accused persons have already been granted bail by this Court and the Hon’ble Supreme Court, and the case of the present applicant stands on an identical footing. It is also submitted that the applicant has one criminal antecedent, in which he has already been acquitted. He further submits

that the charge-sheet has been filed before the competent Court, the applicant has been in jail since 11.8.2026, and the trial is likely to take considerable time for its conclusion. Therefore, he prays for grant of bail to the applicant on the ground of parity.

4) On the other hand, learned counsel for the State opposes the bail application. He would submit that the charge-sheet has been filed before the competent Court and that one criminal antecedent of a similar nature was registered against the applicant. Therefore, the present applicant is not entitled to grant of bail.

5) I have heard learned counsel appearing for the parties and perused the case diary.

6) Taking into consideration the facts and circumstances of the case, the nature and gravity of the offence, and further considering the fact that the co-accused persons have already been granted bail by this Court and the Hon'ble Supreme Court, and that the case of the present applicant stands on an identical footing with that of the co-accused persons, as also the fact that the applicant has been in jail since 11.8.2026, has one criminal antecedent in which he has already been acquitted, the charge-sheet has been filed before the competent Court, and the trial is likely to take considerable time for its conclusion, this Court is of the view that, without expressing any opinion on the merits of the case, the applicant is entitled to be released on bail in the present case on the ground of parity.

7) It is directed that in the event of the applicant executing a personal bond for a sum of **Rs. 50,000/-** with one surety in the like sum to the

satisfaction of the concerned trial Court, he shall be released on bail on the following conditions:-

(a) he shall make himself available for interrogation by the police officer as and when required;

(b) he 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 fact to the Court; and

(c) he shall not act in any manner which will be prejudicial to a fair and expeditious trial.

The observation made hereinabove is for the purpose of deciding this bail application only, the learned trial Court shall decide the case on its own merits.

Sd/-
(Rakesh Mohan Pandey)
Judge

Nimmi