CGHC010385642026 2026:CGHC:43585

NAFR

KUNAL DEWANGAN

Digitally signed by KUNAL DEWANGAN

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 9525 of 2026

Ritesh Ganesh Barhate S/o Ganesh Barhate Aged About 31 Years R/o House No. 07, Vrindavan Society Meri Mahsarul Dindori Naka P.S. Mahsarul Distt- Nasik (M.H.)

... Applicant(s)

versus

State Of Chhattisgarh Through Officer - In - Charge Police Station Range Cyber Raipur, Distt- Raipur (C.G.)

... Non-Applicant(s)

For Applicant	:	Mr. Tanuj Patwardhan, Advocate.
For Non-Applicant/State	:	Mr. Jitendra Shrivastava, Govt. Advocate.

Hon'ble Mr. Rakesh Mohan Pandey, Judge

Order on Board

08/10/2026

1. The applicant has preferred this second bail application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail, as he has been arrested in connection with Crime No. 13/2024, registered at Police Station Range Cyber Raipur, District Raipur (C.G.), for the offences punishable under Sections 318(4), 3(5) of the Bharatiya Nyaya Sanhita, 2023 and Section 66(D) of the Information Technology Act, 2000.

2. The earlier first bail application preferred by the applicant was

rejected on merits by a Coordinate Bench of this Court in MCRC No. 3211 of 2026 vide order dated 11.05.2026. Hence, the present second bail application has been preferred on the ground of subsequent change in circumstances, particularly the alleged delay in conclusion of the trial.

3. The prosecution case, in brief, is that the complainant was induced through a fake WhatsApp investment group and a fraudulent trading application to invest money on the false assurance of stock market profits and IPO allotments, pursuant to which he transferred an amount of Rs.18,15,442/- into various bank accounts. During investigation, an amount was found to have been transferred into the UCO Bank account of the present applicant, who was subsequently implicated in the alleged cyber fraud. Based upon such, aforesaid offences were registered against the accused.

4. Learned counsel for the applicant would submit that the first bail application was already rejected on merits by a Coordinate Bench of this Court in MCRC No. 3211 of 2026 vide order dated 11.05.2026. He would further submit that the new ground for filing the present second bail application is the delay in conclusion of the trial. It is submitted that the applicant has no criminal antecedents and the prosecution has failed to establish that the applicant had any knowledge regarding commission of the alleged offence or that he was aware that the account in question would be used for cyber fraud. He would further submit that since the commencement of the trial, not a single witness has been examined by the prosecution,

resulting in unwarranted delay in the progress of the trial. It is also submitted that the applicant is in custody since 22.02.2026 and the conclusion of the trial is likely to take considerable time. On these grounds, learned counsel prays for grant of bail.

5. On the other hand, learned State counsel would oppose the prayer for grant of bail and submit that the first bail application of the applicant was rejected on merits by a Co-ordinate Bench of this Court vide order dated 11.05.2026, after considering the nature and gravity of the allegations as well as the material collected during investigation against the applicant. It is further submitted that no substantial change in circumstances has occurred thereafter so as to warrant reconsideration of the prayer for bail. The allegations against the applicant are serious in nature and relate to an organized cyber financial fraud and the material collected during investigation prima facie indicates his involvement in the alleged offence. Therefore, the applicant does not deserve to be enlarged on bail.

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

7. Having considered the submissions advanced by learned counsel for the parties, the facts and circumstances of the case and the material available on record, this Court finds that the first bail application of the applicant was rejected on merits by a Co-ordinate Bench of this Court vide order dated 11.05.2026 after taking into consideration the overall facts and circumstances of the case,

nature and gravity of the allegations and the material collected during investigation against the applicant. The grounds urged in the present second bail application, including the plea of absence of criminal antecedents and lack of knowledge regarding the alleged use of the bank account, were matters which substantially relate to the merits of the case. Mere delay in examination of witnesses, in the facts of the present case, does not constitute such a substantial change in circumstances as would warrant taking a different view from the one already taken by the Co-ordinate Bench. Thus, no substantial change in circumstances is made out after rejection of the first bail application. Having regard to the serious allegations made against the applicant and the prima facie material available on record, this Court is not inclined to grant bail to the applicant.

8. Accordingly, the present second bail application is hereby **rejected**.

9. However, this Court hopes and trusts that the learned trial Court would make an earnest endeavour to conclude the trial expeditiously, in accordance with law.

Sd/-
(Rakesh Mohan Pandey)
Judge

Kunal