CGHC010431962026

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 10648 of 2026

Yogesh Kumar @ Aman S/o Shri Omprakash Aged About 20 Years R/o Sitkahia Garathouli, Pratappur, District Sultanpur U.P.

... Applicant(s)

versus

State Of Chhattisgarh Through Station House Officer (S H O) P.S. Hirri, District Bilaspur Chhattisgarh

... Non-Applicant(s)

For Applicant	:	Mr. Devershi Thakur, Advocate.
For Non-Applicant/State	:	Mr. Arvind Dubey, Govt. Advcoate.

Hon'ble Mr. Rakesh Mohan Pandey, Judge

Order on Board

05/11/2026

1. This is the second bail application filed by the applicant 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. 147 of 2024 registered at Police Station Hirri, District Bilaspur (C.G.), for the offences punishable under Section 420 of the Indian Penal Code and Section 66(D) of the Information Technology Act, 2000.

2. Earlier, the first bail application of the applicant was rejected by a Coordinate Bench of this Court in MCRC No. 3602 of 2026 vide order dated 30.06.2026 on merits. Hence, the present second bail application.

3. The case of the prosecution, in brief, is that the complainant was allegedly contacted by a person impersonating as Sameer Gupta through Facebook and mobile phones on the false pretext of marriage. Thereafter, the accused persons, by impersonating as courier representatives, CBI officers, bank managers and other officials, fraudulently induced the complainant to transfer substantial amounts on the pretext of customs duty, income tax and other charges. During investigation, it was revealed that a part of the alleged cheated amount was transferred into the bank account of the present applicant, on the basis of which he was implicated in the present case.

4. Learned counsel for the applicant would submit that the first bail application of the applicant has already been rejected by a Coordinate Bench of this Court on merits and the new grounds for filing the present second bail application are that, subsequent to rejection of the earlier bail application, the complainant (PW-2) and the memorandum and seizure witness (PW-3) have been examined before the trial Court. He would further submit that the complainant, in her deposition, failed to identify the present applicant from his photograph and also stated that the photograph

appearing on the Facebook profile was different from that of the applicant. She further admitted that the FIR was lodged against unknown persons and she could not identify the persons who had contacted her by impersonating as Sameer Gupta, courier representative or CBI officer. Learned counsel would also submit that PW-3, in his cross-examination, admitted that no documents relating to online transactions, bank accounts, ATM card or passbook were seized in his presence and that the mobile phone seized from the applicant was not sealed in his presence. It is further submitted that the alleged role of inducing and threatening the complainant is attributed to other persons, whereas the applicant has been implicated merely on the ground that a part of the alleged cheated amount was credited into his bank account. He would further submit that the applicant's bank account was allegedly operated and controlled by co-accused Sanjay Kumar, without the applicant's knowledge of the alleged fraudulent transactions. The applicant is in jail since 29.12.2025 and the subsequent examination of the material prosecution witnesses constitutes a changed circumstance warranting fresh consideration of his prayer for bail. It is further submitted that the trial is likely to take some time to conclude. Thus, he prays for grant of bail to the applicant.

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 has already been rejected by a Coordinate Bench of

this Court vide order dated 30.06.2026 on merits after considering the nature and gravity of the allegations and the material collected during investigation. He would further submit that, pursuant to the order passed by a Co-ordinate Bench of this Court, the Investigating Officer had filed a personal affidavit disclosing that the applicant had knowingly provided his bank account to co-accused Sanjay Kumar for receiving the cheated amount in lieu of commission. An amount of Rs.66,000/- was credited into the applicant's bank account and the applicant had allegedly permitted its use for facilitating the commission of cyber fraud. The investigation also revealed technical evidence, including call detail records and cyber fraud complaints relating to the transactions in the mule accounts, which prima facie establish the applicant's involvement in an organized cyber fraud syndicate. Learned State counsel would further submit that the subsequent examination of some prosecution witnesses does not constitute any substantial change in circumstances so as to warrant reconsideration of the applicant's prayer for bail. Therefore, the present second bail application deserves to be rejected.

6. I have heard learned counsel for the parties and perused the case diary and material available on record.

7. Having considered the facts and circumstances of the case, nature and gravity of allegations levelled against the applicant, the material collected during investigation and further considering the

fact that the first bail application of the applicant has already been rejected by a Coordinate Bench of this Court in MCRC No. 3602 of 2026 vide order dated 30.06.2026 on merits, this Court finds that the grounds raised in the present second bail application, particularly the subsequent examination and cross-examination of PW-2 and PW-3, do not constitute sufficient grounds for grant of bail. The material available on record, including the alleged receipt of Rs.66,000/- in the applicant's bank account and the technical evidence collected during investigation, cannot be overlooked at this stage. Merely because the complainant has not identified the applicant during her deposition or certain aspects of the seizure proceedings have been questioned in cross-examination, the same cannot, at this stage, be treated as sufficient to discard the prosecution case. This Court cannot test the reliability or credibility of the prosecution witnesses at the stage of consideration of bail, as such evaluation is strictly reserved for the final trial. Therefore, this Court does not find any sufficient ground to grant bail to the applicant.

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

Sd/-
(Rakesh Mohan Pandey)
Judge

Kunal