



2025:CGHC:8829

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 8970 of 2024

Reserved on : 29.01.2025

Delivered on : 20.02.2025

Manish Upadhyay S/o Mr. Gendalal Upadhyay Aged About 44 Years R/o- A-1, Surya Residency, Bhilai, Distt- Durg, C.G. 490020.

... Applicant

versus

State of Chhattisgarh Through The Economic Offences Wing And Anti-Corruption Bureau, Headquarter, Gaurav Path, Telibandha, Distt- Raipur, C.G 492001.

--- Respondent

For Applicant : Mr. Harshwardhan Parganiha, Advocate.

For Respondent : Dr. Sourbh Kumar Pande, Dy. Advocate General.

Hon'ble Shri Justice Narendra Kumar Vyas

CAV ORDER

1. This is first bail application filed under Section 483 of the Bhartiya Nagrik Suraksha Sanhita, 2023 for grant of regular bail to the applicant who has been **arrested** on **15.08.2024** in connection with Crime No. 03/2024 registered at Police Station- Anti Corruption Bureau/ Economic Offence Wing Chhattisgarh, Raipur, District- Raipur (C.G.) for the offence punishable under Sections 420, 120-B, 384 of IPC and Sections 7, 7-A, 12 of the Prevention of Corruption Act, 1988.
2. The case of the prosecution, in brief, is that on 11.01.2024, one Mr. Sandeep Ahuja, Deputy Director, Directorate of Enforcement, Raipur through Mr. Farhan Qureshi, Deputy Superintendent of Police lodged a

complaint before the Director General of Police Anti Corruption Bureau & Economic Offences Wing, Chhattisgarh pertaining to predicate offence discovered during money laundering in investigation File No. ECIR/RPZO/09/2022 was done under Section 66(2) of the Prevention of Money Laundering Act, 2002 (for short “the PMLA”). Thereafter, an offence bearing FIR No. 03/2024 has been registered on 17.01.2024 at Police Station ACB/EOW Raipur (C.G.) against 35 accused persons namely Smt. Saumya Chaurasiya, Sameer Bisnoi, Smt. Ranu Sahu, Sandeep Kumar Nayak, Shivshankar Nag, Suryakant Tiwari, Manish Upadhyay, Roshan Kumar Singh, Nikhil Chandrakar, Rahul Singh, Parekh Kurre, Moinuddin Qureshi, Virendra Jaiswal, Rajnikant Tiwari, Hemant Jaiswal, Joginder Singh, Nawneet Tiwari, Deepesh Taunk, Devendra Dadsena, Rahul Mishra, Ramgopal Agrawal, Devendra Singh Yadav, Shishupal Sori, Rampratap Singh, Vinod Tiwari, Amarjeet Bhagat, Chandradeo Prasad Rai, Brashpat Singh, Idrish Gandhi, Gulab Kamro, Shri U.D. Minj, Sunil Kumar Agrawal, Jai (friend of the applicant), Chandraparakash Jaiswal, Laxmikant Tiwari & others.

3. Further case of the prosecution is that a syndicate comprised of private individuals and other State Government functionaries like Smt. Saumya Chaurasia, Director, Geology & Mining Department and with the backing of some political executives, they managed to make deliberate policy changes. As part of the well-planned conspiracy, the applicant with the active support of the politicians & some of the senior State Government functionaries, managed to influence the then Director of Geology & Mining, and got issued a Government Order dated 15.07.2020 which became the fountain head of this extortion system by converting the online system of issuance of Transport

Permits into a manual system. They started a network of extortion to collect Rs. 25 per on every ton of coal transported in the State of Chhattisgarh. The investigation conducted by the Enforcement Directorate revealed that other senior bureaucrats viz., Smt. Saumya Chaurasia and Smt. Ranu Sahu, IAS were also involved in this conspiracy and were providing assistance to the applicant in running the extortion racket. Smt. Soumya Chourasiya while working as Deputy Secretary in the office of Chief Minister, had assisted the applicant and his associates in collecting the extortion money by posting pliable officers of mining department in the coal mining areas. Smt. Ranu Sahu IAS, who worked as District Collector in coal rich Districts viz., Korba & Raigarh, had close association with the applicant and helped his associates in collecting extortion money from the coal transporters and other businessmen.

4. It is also case of the prosecution that by this system of extortion, a huge amount of cash started accumulating with the syndicate and with this money, the applicant has purchased benami assets and a huge amount of money was transferred to the applicant, spent on political funding and transferred as per the instructions of higher powers. The Enforcement Directorate investigation further established that Smt. Ranu Sahu had aided and abetted the applicant in collection of illegal levy amounts from the coal transporters. Smt. Ranu Sahu was in touch through WhatsApp with Roshan Singh, associate of the applicant. The WhatsApp chats happened between Smt. Ranu Sahu and Roshan Singh, close associate of the applicant, revealed that Roshan Singh was in regular touch with Ranu Sahu and she agreed to do work as asked by Roshan Singh. The investigation carried out by the

Enforcement Directorate further revealed that the government servants like Smt. Saumya Chaurasia, Sameer Vishnoi IAS, Smt. Ranu Sahu, State Mining Officers etc. had received kickbacks from the applicant and acquired benami properties disproportionate to their source of income, therefore, the Enforcement Directorate requested the Anti Corruption Bureau by filing complaint to identify all the assets acquired by the various government servants who are accused of participation in this extortion syndicate in various Districts. It is also case of the Enforcement Directorate that various mining officers are involved in this extortion. As such, it was requested by the Enforcement Directorate to register an FIR and investigate the matter. In pursuance of the complaint, the FIR was registered. It is also case of the ACB/EOW that because of the instigation, Rs. 36 crores illegal extorted money has been collected which has been utilized for purchase of property in the name of applicant and other accused Saumya Chaurasia and Ranu Sahu through their relatives or friends. Thus, on the basis of the complaint, FIR has been registered against the applicant for commission of offence under Sections 7, 7A & 12 of the Prevention of Corruption Act, 1988 as amended in 2018 (for short "the PC Act") read with Sections 420 & 120-B of IPC.

5. From the case diary and the material so collected by the ACB/EOW, the **role** of present applicant is that the applicant is Suryakant Tiwari's maternal uncle's son, who is his close friend and confidant person of Suryakant Tiwari. The applicant's residence is situated near to A-21/22 in the same housing society where the house of Soumya Chaurasia is situated. It is also case of the prosecution that House No. A/1 where the applicant resides is purchased by Suryakant Tiwari for

convenience and better coordination with Mrs. Soumya Chaurasia. The applicant was link between Suryakant Tiwari and Soumya Chaurasia, who was included to provide an additional layer of security to Soumya Chaurasia. The applicant used to collect Soumya Chaurasia's share of the amount collected from Suryakant Tiwari's syndicate through coal transporters and businessmen in coal-rich Districts at the rate of Rs. 25/- per ton on the basis of DO issued by SECL and deliver it to Soumya Chaurasia's residence Surya Residency Kohka, Bhilai and used to help in purchasing immovable properties in the name of Soumya Chaurasia's family members from the said money. The applicant's taking the coal levy collection amount from Suryakant Tiwari for Mrs. Soumya Chaurasia has been mentioned in the diaries written by Rajnikant Tiwari under the code name of MU, MANISH DURG. Thus, it clearly proves that House No. A-1 Surya Residency, Bhilai is the benami property of Suryakant Tiwari and the applicant is the benamidar. This property was provided to the applicant only to act as a handler for Soumya Chaurasia. This allowed the applicant to be strategically placed very close to Saumya Chourasiya for communication between them as there will be no digital trail of meetings between them like call record analysis, visitor register etc.

6. Mr. Anurag Chaurasia is cousin of Soumya Chaurasia who is owner of Flat No. 606 and Flat No. 103 in Block A of the same residential colony. During the search and seizure operation of the Income Tax Department, it was found that Saumya Chaurasia's maids are living in Flat No. 606, A Block, Surya Residency, Bhilai and the electricity meter connection of this flat is in the name of the applicant. The closeness of Mrs. Saumya Chaurasia with Mr. Suryakant Tiwari is also reflected by

the fact that Mrs. Saumya Chaurasia along with her husband Mr. Saurabh Modi and Suryakant Tiwari, the applicant and applicant's wife Mrs. Chitra Upadhyay went on a trip to Rishikesh in the month of May 2022. All were staying at the same hotel Taj Rishikesh Resort & Spa, Uttarakhand.

7. The illegal amount was given to Mrs. Soumya Chaurasia through Manish Upadhyay, Jai, Ishwar Sidar, Ajay Naidu and Narayan Sahu. Evidence has been found that Mrs. Soumya Chaurasia received illegal amount of about Rs. 32 crore which has been invested by her. Many entries have been found in the diary of Suryakant Tiwari in the name of the applicant, who is a relative of Suryakant Tiwari and also a neighbor of Soumya Chaurasia. Ajay Naidu, Ishwar Sidar were questioned in connection with the said entries, who have accepted taking money and giving it to the applicant and the applicant giving it to Soumya Chaurasia. The diary seized, containing the name of MU or Manish, was matched with the period of land deals executed in the name of Saumya Chaurasia's family members and statements of the concerned persons were recorded, which revealed that part of the money collected illegally from coal and iron was routed by Suryakant Tiwari to Saumya Chaurasia through the applicant and this money was used by Saumya Chaurasia and her family members to purchase immovable properties. The land agreement has been done in name of the applicant with sellers of land and later lands were registered in the name of Soumya Chaurasia's mother. In all, as per the seized records, various payment entries shows that a sum of over Rs. 24 crore was paid to the applicant. In this way, the applicant has been found guilty of earning illegal and undue profit by being involved in criminal conspiracy

in the syndicate of Suryakant Tiwari and helping the members of the illegal coal levy collection syndicate. Out of the amount of illegal coal levy, Suryakant Tiwari has been found to have given Rs. 24,72,19,770/- to Mrs. Saumya Chaurasia through his relative/applicant.

8. **Mr. Harshwardhan Parganiha**, learned counsel for the applicant would submit that the applicant is innocent and has been falsely implicated in the crime in question. He would further submit that the arrest of the applicant is bad in law as it violates multiple legal safeguards and procedural requirements mandated under the Cr.P.C. as the applicant was taken into custody by the non-applicant on 14.08.2024 but was formally arrested only on 15.08.2024, with the time of arrest recorded as 21:45 hours. The applicant was neither informed about the grounds of his arrest as required under Section 50(1) of Cr.P.C. nor adhered to the safeguards under Section 41-B Cr.P.C. These provisions are fundamental to ensuring an arrest is lawful and not arbitrary. Additionally, the failure to issue any notice or summons to the applicant in 8 months following the registration of the FIR and directly arresting him highlights a blatant disregard for due process as held by Hon'ble the Supreme Court in case of **Pankaj Bansal v. Enforcement Directorate [2023 SCC Online SC 1244]** and **Prabir Purkayastha v. State (NCT of Delhi) [2024 SCC Online SC 934]**. He would further submit that the applicant's arrest is purely with an intent to defeat his fundamental right enshrined under Article 21 of the Constitution of India as the non-applicant has acted as an aid of the Enforcement Directorate as the Enforcement Directorate could not have otherwise arrested the applicant after filing Supplementary Prosecution Complaint against the applicant in ECIR No.

RPZO/09/2022 which is based on the same set of facts and allegations. He would further submit that FIR in the instant case has been registered pursuant to the information shared by the Enforcement Directorate under Section 66(2) of the PMLA, 2002 and despite specific allegations against the present Applicant being made in the charge-sheet dated 18.07.2024 filed the FIR before the learned Special Court (PC Act), Raipur, the applicant was not named as an accused to deliberately misuse the power of arrest as mere power to arrest simply does not give rise to the necessity to arrest as held by Hon'ble the Supreme Court in case of **Arvind Kejriwal Vs. Directorate of Enforcement [2024 SCC OnLine SC 1703]**.

9. He would further submit that the alleged link between the applicant and the so-called coal syndicate is purely hypothetical and based solely on his familial relationship with the alleged kingpin namely Mr. Suryakant Tiwari without any substantive evidence to establish his involvement as the applicant is an independent businessman with no connection to the or its operations and mere association by relation cannot be a ground to implicate the applicant in the alleged crime and no credible material has been presented to demonstrate his involvement in any illegal operations. Such baseless assumptions are insufficient to justify his arrest or continued detention. He would further submit that there can be nothing incriminating from the mere fact that the applicant is a neighbour to Mrs.Saumya Chaurasia and a relative of another co-accuse namely, Mr. Suryakant Tiwari. He would further submit that the the investigation of the Enforcement Directorate into the alleged coal levy scam is bereft of any live predicate offence is also a categorical finding recorded by Hon'ble the Supreme Court in case of **Sunil**

Kumar Agrawal Vs. Directorate of Enforcement [SLP (Crl.) 5890/2024 (Order dated 17.05.2024)].

10. He would further submit that the unsecured loan of Rs. 40,00,000/- has been taken by the applicant on 15.07.2020 from the firm of Suryakant Tiwari namely M/s Ganga Constructions and the same has been partially repaid in part from 14.06.2021 till 30.11.2021 via banking channel through his ICICI Bank Account opened and being maintained since 2007. The loan amount which was taken by the applicant was returned by him thus, it is evident that the immovable properties in his name have been acquired from funds generated through legitimate source and not obtained from any criminal activity. He would further submit that the allegations against the applicant are primarily based on entries in seized diaries and financial transactions that are circumstantial. These documents lack independent corroborative evidence, such as witness testimony or direct proof linking him to illegal activities. The alleged entries in the seized diaries, including references to "MU" and other code words, are open to interpretation. These entries lack explicit context or direct acknowledgment by the applicant and cannot conclusively establish his involvement in illegal activities as it is settled position in law that there is no evidentiary value of a personal diary containing random entries as the same are not books of accounts, regularly kept in the course of business. Such entries in the 1850 diaries have to be supported by independent evidence which is altogether missing in the present case as held by Hon'ble the Supreme Court in case of **Central Bureau of Investigation Vs. V.C. Shukla & Ors. [(1998) 3 SCC 410]** and **L.K. Advani Vs. Central Bureau of Investigation [1997 SCC Online Del**

382].

11. He would further submit that the applicant is a legitimate businessman with established professional ties to various entities such as M/s Jai Bajrangbali Buildcon, M/s. Ganga Construction and M/s Mangalam Minerals. His business dealings and financial transactions are entirely centred around legal ventures in construction and real estate. There is no direct evidence linking him to the illegal coal levy syndicate or proving his involvement in any unlawful activity. His association with Suryakant Tiwari, though professional, does not imply that he participated or facilitated any criminal actions related to coal levy collection. The allegations against him seem to stem from circumstantial connections rather than any concrete involvement in illegal activities. As a businessman with no criminal background or intent, he should not be presumed guilty based on mere association with others involved in criminal activities. Therefore, his detention is unjustified, and he should be granted bail to continue managing his legitimate business affairs. The applicant has strong family and professional roots, ensuring his availability for the trial which as a matter of fact is yet to commence. There is no evidence to suggest that he poses a flight risk or would interfere with the investigation if granted bail. He would further submit that the the present case clearly satisfies the triple test which is paramount considerations of bail viz. likelihood of applicant fleeing from justice, tampering with the evidence & influencing the witnesses are not likely in the instant case. The applicant satisfies the triple-test for grant of bail as held by Hon'ble the Supreme Court in case of **Preeti Chandra Vs. Directorate of Enforcement [2023 SCC OnLine Del. 3622]**. He would further submit

that it is now settled law that apprehension of influence of witness and tampering of evidence is required to be based on tangible evidence and mere allegation cannot be taken at face value on the asking of the investigating agency as held by Hon'ble the Supreme Court in case of **P. Chidambaram Vs. Directorate of Enforcement [(2020) 13 SCC 791]**. He would further submit that Hon'ble the Supreme Court in case of **Javed Gulam Nabi Shaikh vs. State of Maharashtra & Anr. [2024 SCC OnLine SC 1693]** has considered the bail application of an accused prosecuted under UAPA, 1967 which is much serious offence. He would further submit that Hon'ble the Apex Court in a catena of decisions while considering the period spent in the custody and there being no likelihood of conclusion of trial within a short span has been pleased to enlarge the accused on bail and would referred to the judgment rendered in case of **Ramkripal Meena vs. Directorate of Enforcement [SLP (Crl.) No. 3205/2024]** and **Manish Sisodia Vs. Directorate of Enforcement [SLP (Crl.) No. 8781/2024]**. He would further submit that the custody of the applicant ought not to be extended indefinitely and the extension of custody of the applicant in such circumstances would militate against the constitutional guarantee of personal liberty guaranteed under Article 21 of the Constitution of India as held by the Hon'ble Supreme Court in **Union of India Vs. K.A. Najeeb [(2021) 3 SCC 713]** and **V. Senthil Balaji Vs. The Dy. Director, Directorate of Enforcement [Criminal Appeal No. 4811/2024]**. He would further submit that the purpose of bail or the denial of it is not punitive nor preventative device as held by Hon'ble the Supreme in case of **Sanjay Chandra Vs. Central Bureau of Investigation [(2012) 1 SCC 40]** and **Manoranjana Singh, Vs. Central**

Bureau of Investigation [(2017) 5 SCC 218]. He would further submit that it is well settled that bail is the rule and it's denial is the exception. The denial of bail, in the present case would act as a completely disproportionate restriction on the personal liberty of the applicant guaranteed under Article 21 of the Constitution of India. The presence of the applicant during the trial can be secured by imposing conditions and the extreme measure of pre-trial detention ought not to be resorted to. The prolonged detention may adversely impact applicant's health and well-being and his family and business responsibilities necessitate his release to ensure their continued functioning. He would further submit that the applicant is suffering from serious health issues and requires regular medication and proper medical care and any delay or lack of timely treatment poses a significant risk to his life and the continued detention under such circumstances would not only exacerbate his health problems but also amount to a violation of his right to life and dignity, therefore, prayed for releasing the applicant on bail.

12. **Dr. Saurabh Kumar Pande**, Deputy Advocate General for the ACB/EOW opposing the submissions made by learned counsel for the applicant and referring to the FIR and the case diary would submit that the applicant is involved in the economical offence which is not only heinous offence but also against the economy of the nation. The custodial interrogation of the applicant is required as the applicant has not disclosed the source of income from where these properties which have been detailed in the final report and if the accused remained the custody, the sources of purchased of property can be traced out. He would further submit that the learned Special Judge (Prevention of

Corruption Act), Raipur vide order dated 09.10.2024 while dismissing the bail application filed by the applicant has observed that there is involvement of the applicant in the crime in question, which has not been rebutted by the applicant while making this submission before this Court and would pray for rejection of bail petition.

13. I have heard learned counsel for the applicants and the respondents as well as considered the case diary.
14. From the material collected by the prosecution *prima facie* reflects that the applicant was link between Suryakant Tiwari and Soumya Chaurasia as he used to collect the money so collected for giving it to Soumya Chaurasia. The submission made by the applicant that he has taken unsecured loan of Rs. 40,00,000/- from Suryakant Tiwari's firm namely M/s Ganga Constructions and the same has been partially repaid in part from 14.06.2021 till 30.11.2021 via banking channel through his ICICI Bank Account opened and being maintained since 2007 but he has not disclosed the source of generating the source of money which has been paid to Suryakant Tiwari. The applicant has nowhere disclosed in the bail petition that what is his profession and from which sources he has generated the funds. Whereas the prosecution has *prima facie* establishes the link between one of the accused in the coal scam. Thus, *prima facie* material has been collected by the prosecution against the applicant. Thus, from perusal of FIR and the material available in the case diary, involvement of the applicant in commission of offence under Sections 7, 7A & 12 of the PC Act, which is economic offence, is *prima facie* reflected. Hon'ble the Supreme Court while considering the gravity of economic offence in case of **P. Chidambaram Vs. Directorate of Enforcement, [(2019) 9**

SCC 24] has held at paragraph 78 to 81 as under:-

“78. Observing that economic offence is committed with deliberate design with an eye on personal profit regardless to the consequence to the community, in *State of Gujarat v. Mohanlal Jitmalji Porwal and others* (1987) 2 SCC 364, it was held as under:-

“5.The entire community is aggrieved if the economic offenders who ruin the economy of the State are not brought to book. A murder may be committed in the heat of moment upon passions being aroused. An economic offence is committed with cool calculation and deliberate design with an eye on personal profit regardless of the consequence to the community. A disregard for the interest of the community can be manifested only at the cost of forfeiting the trust and faith of the community in the system to administer justice in an even-handed manner without fear of criticism from the quarters which view white collar crimes with a permissive eye unmindful of the damage done to the national economy and national interest.....”

79. Observing that economic offences constitute a class apart and need to be visited with different approach in the matter of bail, in *Y.S. Jagan Mohan Reddy v. CBI* (2013) 7 SCC 439, the Supreme Court held as under:-

“34. Economic offences constitute a class apart and need to be visited with a different approach in the matter of bail. The economic offences having deep-rooted conspiracies and involving huge loss of public funds need to be viewed seriously and considered as grave offences affecting the economy of the country as a whole and thereby posing serious threat to the financial health of the country.

35. While granting bail, the court has to keep in mind the nature of accusations, the nature of evidence in support thereof, the severity of the punishment which conviction will entail, the character of the accused, circumstances which are peculiar to the accused, reasonable possibility of securing the presence of the accused at the trial, reasonable apprehension of the witnesses being tampered with, the larger interests of the public/State and other similar considerations.” [underlining added]

80. Referring to *Dukhishyam Benupani, Assistant Director, Enforcement Directorate (FERA) v. Arun Kumar Bajoria* (1998) 1 SCC 52, in *Enforcement Officer, Ted, Bombay v. Bher Chand Tikaji Bora and others* (1999) 5 SCC 720, while hearing an appeal by the Enforcement Directorate against the order of the Single Judge of the Bombay High Court granting anticipatory bail to the respondent thereon, the Supreme Court set aside the order of the Single Judge granting anticipatory bail.

81. Grant of anticipatory bail at the stage of investigation may frustrate the investigating agency in interrogating the accused and in collecting the useful information and also the materials which might have been concealed. Success in such interrogation

would elude if the accused knows that he is protected by the order of the court. Grant of anticipatory bail, particularly in economic offences would definitely hamper the effective investigation. Having regard to the materials said to have been collected by the respondent-Enforcement Directorate and considering the stage of the investigation, we are of the view that it is not a fit case to grant anticipatory bail.”

15. Again Hon’ble the Supreme Court in case of **Ramesh Bhavan Rathod Vs. Vishanbhai Hirabhai Makwana (Koli) & another [(2021) 6 SCC 230]** has held in paragraph 23 as under :-

24. The principles governing the grant of bail were reiterated by a two judge Bench in Prasanta Kumar Sarkar v. Ashis Chatterjee (2010) 14 SCC 496:

“9. ... It is trite that this Court does not, normally, interfere with an order passed by the High Court granting or rejecting bail to the accused. However, it is equally incumbent upon the High Court to exercise its discretion judiciously, cautiously and strictly in compliance with the basic principles laid down in a plethora of decisions of this Court on the point. It is well settled that, among other circumstances, the factors to be borne in mind while considering an application for bail are:

- (i) whether there is any prima facie or reasonable ground to believe that the accused had committed the offence;
- (ii) nature and gravity of the accusation;
- (iii) severity of the punishment in the event of conviction;
- (iv) danger of the accused absconding or fleeing, if released on bail;
- (v) character, behaviour, means, position and standing of the accused;
- (vi) likelihood of the offence being repeated;
- (vii) reasonable apprehension of the witnesses being influenced; and
- (viii) danger, of course, of justice being thwarted by grant of bail.

“10. It is manifest that if the High Court does not advert to these relevant considerations and mechanically grants bail, the said order would suffer from the vice of non-application of mind, rendering it to be illegal...”

47. The considerations which must weigh with the Court in granting bail have been formulated in the decisions of this Court in Ram Govind Upadhyay v. Sudarshan Singh¹³ and Prasanta Kumar Sarkar v. Ashis Chatterjee¹⁴(noted earlier). These decisions as well as the decision in Sanjay Chandra (supra) were adverted to in a recent decision of a two judge Bench of

this Court dated 19 March 2021 in The State of Kerala v. Mahesh where the Court observed:

“22...All the relevant factors have to be weighed by the Court considering an application for bail, including the gravity of the offence, the evidence and material which prima facie show the involvement of applicant for bail in the offence alleged, the extent of involvement of the applicant for bail, in the offence alleged, possibility of the applicant accused absconding or otherwise defeating or delaying the course of justice, reasonable apprehension of witnesses being threatened or influenced or of evidence being tempered with, and danger to the safety of the victim (if alive), the complainant, their relatives, friends or other witnesses....” Similarly, the Court held that the grant of bail by the High Court can be set aside, consistent with the precedents we have discussed above, when such grant is based on non-application of mind or is innocent of the relevant factors for such grant.

16. Considering the FIR and other material placed on record, it *prima facie* shows involvement of the applicant in crime in question. As such, I am of the view that it is not a fit case where the applicant should be granted regular bail.
17. Accordingly, the instant bail application filed under Section 483 of the Bhartiya Nagrik Suraksha Sanhita, 2023 is liable to be and is hereby rejected.
18. The observation made by this Court is not bearing any effect on the trial of the case. The learned trial court will decide the criminal trial in accordance with evidence, material placed on record, without being influenced by any of the observations made by this Court while deciding present bail application.

Sd/-
(Narendra Kumar Vyas)
Judge