सत्यमेव जयते

GJSR010108132026

Instituted on	10/08/2026
Registered on	10/08/2026
Decided on	12/08/2026
Duration	Y __ Mo __ Days 02

IN THE COURT OF 10TH ADDITIONAL SESSIONS JUDGE, AT SURAT

Cr. M. A. No. 5825 OF 2026
(Regular Bail After Charge-Sheet)
Exh.__

Applicant/ : Accused — **Rinku Shrikrushn Vishwkarma**
Aged about 27 years, Occupation : Service, Resident of : House No.78, Ghanshyam Nagar Society, Vadod Gam,
Near Tirupati Plaza, Beside Lake Garden, Pandesara, Surat.
(At present in Lajpore Central Jail, Surat)

VERSUS

Opponent : State of Gujarat

Application to Grant Bail u/s.483 of B. N. S. S.

(Amroli Police Station, C. R. No. 11210004261258/2026)
(Offence U/s. 318(4), 336(3), 340(4), 338(2), 54 of Bhartiya Nyay Sanhita, 2023 and U/s. 66(D) of Information Technology Act)

For Applicant / Accused :- Ld. Advocate Mr. K. V. Rajput
For Opponent :- Ld. APP Mr. A. P. Vasoya

<u>-: J U D G M E N T :-</u>

(1) This regular bail application has been filed <u>after charge-sheet</u> by the present applicant, who is in judicial custody, in connection with the offence punishable under Section 318(4), 336(3), 340(4), 338(2), 54 of Bhartiya Nyay Sanhita, 2023 and U/s. 66(D) of Information Technology Act, registered *vide* C.R.No.11210004261258/2026 at Amroli Police Station.

(2) An affidavit by the I.O. is produced vide Exh.4, interalia objecting the bail application and stated that the applicant/accused is habitual offender as she is also involved in six other criminal offences of similar nature *i.e.* cybre crime.

(3) Heard the Ld. respective both the sides at length.

(4) First of all Ld. Advocate Mr. K. V. Rajput for the applicant has argued that the present accused has not played any role in the present offence and he is not directly involved in this offence. Further, even after the judicial custody the bank account of the present applicant/accused was operated that means his bank account has been used illegally. The investigation is over and charge-sheet is filed hence, there is no chance of tampering with the evidence of prosecution. It is further submitted that though the applicant/accused is involved in other similar type of criminal offences however, she is never convicted in any of the offences. The applicant/accused is residing at Surat, and will not flee

away from justice and will be readily available for Trial. The applicant/accused is 27 years young person and if she will be kept behind bar for long period it will affect him mentally too. It is further submitted that punishment prescribed in the said offence is not a capital punishment and/or life imprisonment. It is further submitted that the co-accused of the said offence has been released on bail by the Hon'ble High Court of Gujarat hence, the present applicant/accused is entitled for principle of Parity. Further, the alleged amount is so meager. Hence, if present bail application will not be granted, it would tantamount to have pre-trial conviction, hence, it is requested to grant the present bail application.

(5) *Per contra,* Ld. APP Mr. A. P. Vasoya, for the State has also vehemently argued that yet the investigation is going on and the complainant was induced through Instagram, Telegram and WhatsApp platforms to invest in a fraudulent scheme promising exorbitant returns, and was dishonestly induced to transfer Rs.12,895/- on the basis of false profit statements. After the investigation of the money, it reveals that the cheated amount was routed through various bank and merchant accounts and ultimately credited to the accounts of accused the present applicant/accused, Ankit Maurya, and co-accused Anurag Maurya. It is further submitted that the accused, in conspiracy with other absconding co-accused, operated the fraudulent investment scheme and substantial transactions amounting to crores of rupees

have been detected in their respective bank accounts. The applicant/accused is also involved in six other similar type of offences hence, she is habitual offender and it is not appropriate to release her on regular bail. Hence, looking to the nature of the offence *i.e.* cyber crime and huge transaction is involved and it has not yet been ascertained, hence, it is requested to reject the present bail application.

(6) Having heard the arguments advanced by both the sides and perused the police papers and affidavit filed by IO, it appears that the complainant was induced through Instagram, Telegram and WhatsApp platforms to invest in a fraudulent investment scheme on the false promise of earning exorbitant returns. In furtherance of the said conspiracy, the complainant and was dishonestly induced to transfer Rs.12,895/- on the basis of fabricated profit statements and false representations made by the accused persons. The investigation has further revealed substantial financial transactions amounting to crores of rupees in the respective bank accounts of the accused persons, which *prima-facie* indicates their active participation in the commission of the offence and their involvement in a well-organized cyber fraud racket. So far as the use of bank account of the present applicant/accused is concerned it is *prima-facie* believed that in collusion with the absconding accused the entire fraud has been committed. Earlier bail application filed by the present accused was rejected and this application

is filed after filing of charge-sheet however, it cannot be considered as a sole ground to release the applicant/accused on regular bail.

It further appears that six other similar type of criminal offences are registered against the present applicant/accused on NCCRP portal hence, she is habitual offender. So far parity is concerned, as other co-accused has been released on regular bail by Hon’ble High Court of Gujarat, but looking to the role attributed to the present applicant as well as past antecedents of the applicant, it is not appropriate to apply parity on her. So, if at this juncture, applicant will be released on bail, there is strong apprehension that she may again involve in such kind of offences as well as of threats and tampering with prosecution evidence.

(7) In the light of the above discussions as well as by considering the settled law of bail that, when the case is arisen for the possibility of fleeing away of the accused and tampering of the evidence of prosecution, bail should definitely be denied. In the present case the conduct of the applicant itself suggests, that if the bail application will be granted ultimately the applicant would be given green flag to commit similar kind of offences and thereby the investigation which is an exclusive right of the Investigating Agency would be frustrated. In this situation, I decline the arguments of the Ld. Advocate for the applicant and come to the conclusion that this is not a fit case to grant the regular

bail. Hence the following order is passed in the interest of justice.

<u>O R D E R</u>

The present application of the applicant/accused **Rinku Shrikrushn Vishwkarma** to grant regular Bail is hereby "**Rejected**".

Yadi be sent to concerned police station and Jail Authority.

Pronounced in the open Court today on this **12th day of August, 2026** under my hand and seal of this Court.

Digitally signed by
PRAKASH K KHANCHANDANI
on 12/08/2026 17:39:33 IST.

Dated : 12/08/2026
Place: Surat

(Prakash Khubchand Khanchandani)
10th Additional Sessions Judge, Surat
(GJ00806)

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