GJAM010008872026

Received on :- 04.06.2026
Registered on :- 04.06.2026
Decided on :- 08.06.2026
Duration :- Ys. Ms. Ds.
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BEFORE THE COURT OF SESSIONS JUDGE,
AT : AMRELI.

CRIMINAL MISC. APPLICATION NO. 303/2026

Exh. : 6

APPLICANT :-

ROHITBHAI DEVRAJBHAI DHANANI,
Age : 38 years, Occup. : Commission Agent,
R/o. : House No. 127, Vibhag - B, Tulasi Darshan Society,
Puna Gam, Surat City.
Ori. R/o. : Moti Vavadi, Sardar Nagar,
Nr. High School, Tal. : Gariyadhar,
Dist. : Bhavnagar.
At present : District Jail - Amreli.

V/S

OPPONENT :-

THE STATE OF GUJARAT.
(Notice to be served through PP, Amreli)

REGULAR BAIL APPLICATION FILED UNDER SECTION 483 OF BHARATIYA NAGARIK SURAKSHA SANHITA

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Mr. F.Y. Musani, Learned Advocate for the applicant.
Mr. J.B. Rajgor, Learned P.P. for the opponent-State.

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Sessions Judge,
Amreli.

-: <u>JUDGMENT</u> :-

[1] The applicant has filed this application under Section 483 of Bharatiya Nagarik Suraksha Sanhita, seeking regular bail as applicant is arrested in connection with C.R.No. 11193003251154/2025, registered with Amreli City Police Station, for the offence punishable u/s. 317(2), 317(4), 54 of Bharatiya Nyaya Sanhita.

[2] The notice was issued to the other side. The learned P.P., representing the State appeared and filed affidavit vide Exh. 5 to resist the application.

[3] Brief case of the prosecution is that; the Accused Bhavikbhai Rasikbhai Bhatt, a resident of Amreli, obtained various bank accounts from different account holders. Specifically, he acquired the Bank of India account (Account No. 274010510001505) belonging to the accused Kuldipbhai Rameshbhai Bhuva and deposited amounts of Rs.5,00,000/- and Rs. 4,00,000/- (Totaling Rs. 9,00,000/-) of cyber fraud through IMPS on 28/04/2025, under Acknowledgment No. 30804250037644 and thereby the Accused, Bhavikbhai Rasikbhai Bhatt, facilitated the withdrawal of said amounts by cheques through the accused Kuldipbhai paying a commission for the said transaction and thereafter the Accused, Bhavikbhai Rasikbhai Bhatt, siphoned off/misappropriated the said amount and committed the crime. Hence, the accused have committed the offence punishable u/s 317(2), 317(4), 54 of the Bharatiya Nyaya Sanhita.

Sessions Judge,
Amreli.

[4] At the time of argument, the learned advocate for the applicant/accused has submitted that the applicant is totally innocent and he has not committed any offence as alleged in FIR, however, he has been falsely implicated in the present offence. It is further submitted that, no *prima facie* evidence exists on record to implicate the Applicant. If the FIR is perused without going into its merits, the Informant/Complainant has not named the applicant/accused in the said FIR, nor has any direct or indirect allegation of any nature been leveled against him thus, *prima facie* apparent that applicant has been falsely implicated. Furthermore, the investigating agency's record does not disclose any allegation that the Applicant, with knowledge, obtained stolen property once or repeatedly, or that the Applicant instigated the co-accused in any manner to commit an offense. As such, the essential ingredients of none of the sections of FIR are satisfied against the present Applicant. If the allegations against the Applicant/Accused as per the Remand Report are perused without going into its merits, the overall allegation leveled against the Accused is that, approximately one to one and a half years ago, the Applicant had sent WhatsApp messages to Bhavikbhai Bhatt (co-accused) four to five times to purchase USDT. It is alleged that the Accused withdrew USDT through the 'Octa' application, and this Bhavik Bhatt sent his wallet address (TRC20), to which the Applicant used to transfer USDT. It is further alleged that this Bhavik Bhatt purchased USDT worth approximately 7 to 8 Lakhs rupees and forwarded the funds through R.K. Angadia Firm located at Mini Bazar, Surat. Thus,

the overall role attributed to the present Applicant/Accused is that the Applicant/Accused sold USDT to the co-accused Bhavik Bhatt, and the co-accused Bhavik Bhatt remitted the consideration amount for the said USDT to the Applicant through the Angadia firm.Therefore, even if the said allegation against the Applicant/Accused is accepted at face value, the Applicant/Accused has merely sold USDT (cryptocurrency) to the co-accused, which does not constitute any criminal activity whatsoever. Selling USDT to any person has never been declared an offense under any law in India. Furthermore, the Hon'ble Supreme Court, in its judgment in *Internet and Mobile Association of India v. Reserve Bank of India*, dealt with a challenge to a circular issued by the RBI prohibiting any individual or business entity from dealing in virtual cryptocurrency; as per the said judgment, the RBI's restriction on cryptocurrency trading was set aside. Since selling USDT to any person or trading in it does not constitute an offense in any manner, it is *prima facie* apparent that the Applicant/Accused has been falsely roped into this case. It is further argued that, the Applicant is sole breadwinner of the family and the entire responsibility for the maintenance and well-being of the family rests upon the Applicant. In the event of prolonged incarceration, the Applicant's family will be suffered of starvation, therefore, the Applicant deserves to be enlarged on bail. It is also argued that the Applicant is a permanent resident of Moti Vavdi and owns movable and immovable properties hence, there is no apprehension of the Applicant absconding or fleeing from justice.

Further the Applicant undertakes not to tamper with the evidence or influence the witnesses. It is also argued that the Applicant is absolute innocence but as the trial will take a considerable time, keeping the Applicant in custody would amount to pre-conviction punishment, which is violate the fundamental Right to Liberty. Further, the Applicant is ready to abide by any stringent terms and conditions that this Court may deem fit to impose and the Applicant undertakes to furnish solvent sureties as required and will remain present before the Hon'ble Court as and when directed, hence he may be granted on regular bail. It is further submitted that looking to the nature of offence this Court is empowered to enlarge the applicant/accused on bail by allowing the present application and thus, requested to allow the prayer in the application. In support of the above arguments, Ld. Advocate for the applicant/accused has cited and relied upon the following precedents of higher authorities :

1. Internet And Mobile Association Of India V/s. Reserve Bank Of India in Writ Petition (Civil) No. 528 of 2018 & Writ Petition (Civil) No. 373 of 2018 (Hon'ble Supreme Court)

2. Gaurav Modi S/o. Tola Ram Modi V/s. State of Maharashtra and Ors., in Anticipatory Bail Application No. 2561 of 2023 (Hon'ble Bombay High Court)

3. Mr. Milan Kanungo, Senior Advocate along with Mr. Sidhartha Das, Advocate V/s/ State of Odisha in BLAPL No. 592 of 2024 (Hon'ble Orissa High Court)

[5] Learned P.P. in nutshell has argued that the involvement of the applicant in the alleged offence cannot be ruled out and he is involved in serious offence u/s. 317(2), 317(4), 54 of

the Bharatiya Nyaya Sanhita. It is further submitted that, although the name of the present applicant/accused does not figure in the FIR, his active involvement and role in the alleged offense have clearly transpired during the course of the investigation. Furthermore, the investigation qua the present applicant/accused is still underway, and the charge-sheet is yet to be filed, in that event if the applicant will be released on regular bail, it is likely that he will not co-operate in investigation and repeat the crime. Further, there is strong possibility that the applicant/accused may tamper with the evidence as well as the prosecution witnesses, if enlarged on bail. Hence, considering the nature of offence committed by the accused and the role attributed to the applicant, no discretionary power may be exercised in favour of applicant at this stage. In a nut shell, it is submitted that on these grounds, the application requires to be rejected.

[6] I have heard the learned advocate for the applicant/accused and also the learned P.P. for the State and also gone through the affidavit of the Investigating Officer vide Exh. 5 along with the papers of investigation carried out so far. I have also gone through the authorities cited and relied by the Ld. Advocate for the applicant/accused. Looking to the facts of the case on hand, it emerges from the record that while the present applicant/accused was not originally named as an accused in the FIR, he was subsequently arraigned as an accused during the course of the investigation, as his active role is prima facie apparent from the record. Now looking to the role of the present Applicant/Accused in crime, on perusal of the affidavit of I.O. of

Exh. 5, wherein it is stated by the I.O. that, in the present case, the accused Bhavikbhai Rasikbhai Bhatt used to deposit the proceeds of cyber fraud from different bank accounts, get the same withdrawn through the respective account holders, and remit it to the present Applicant/Accused through R.K. Angadia Firm. In connection with the investigation conducted at the said R.K. Angadia Firm, statements have been recorded and information has been obtained from Utsavbhai Devendrabhai Garaniya, an employee of the R.K. Angadia Firm, as well as from Raj Sureshbhai Sodha, who was previously employed at the said R.K. Angadia Firm. Thereafter, in connection with this case, the present applicant/accused was arrested on 29/05/2026 at 03:20 hours. It is very specifically stated by the I.O. in his affidavit that, in the present case, information concerning three different bank accounts of the presnt Applicant/Accused has been obtained. Wherein, it has been revealed that an acknowledgment/complaint regarding cyber fraud, bearing Acknowledgment No. 31612220020875, stands registered against the Bank Account No. 0000001230110074986 of the Applicant/Accused held with The Varachha Co-operative Bank Limited. Thus, prima facie involvement of the present applicant/accused stands established. Further, the I.O. has clearly mentioned in his affidavit that, the Applicant/Accused in the present case is not merely a mediator, but plays an active role in concealing the proceeds of crime by converting the cyber fraud amounts into USDT. The Applicant/Accused had knowledge that the funds were acquired by cyber fraud, and it is *prima facie* apparent that releasing

USDT in exchange for cash is not a regular business transaction but constitutes a part of the process to disguise the source of the funds. He has clearly stated in his affidavit that, cyber fraud and crypto-conversion are generally executed by an organized network, and investigation is necessary to unearth its roots. The USDT conversion carried out by the accused is not merely a financial transaction, but forms an essential part of the process designed to shield the defrauded amount from tracing and to obscure its original source. As such, the role of the accused is central to the successful execution of the offense, and granting bail at this juncture could severely prejudice the investigation. It is submitted by the learned Advocate for the applicant/accused that the mere sale of USDT (cryptocurrency) to any individual does not constitute any criminal activity whatsoever, and selling USDT to any person has never been declared an offense under any prevailing law in India.I have carefully perused the precedents of the superior courts/forums cited and relied upon by the Ld. Advocate for the applicant/accused in this regard. However, the same do not persuade this Court to allow the present application in favor of the applicant/accused. The record reveals that despite having knowledge that the funds in question were the proceeds of cyber fraud, the present applicant/accused converted the same into USDT and subsequently withdrew the said amount. Thus, in the present case, the applicant/accused was very well aware that the amount is of proceeds of cyber fraud. Therefore, prima facie involvement against the Applicant/Accused is made out. Further, as reflected from the affidavit of I.O. that the amount of fraud is in lakhs of rupees therefore, looking to the role of applicant in whole affair prima facie role of the applicant/accused is established. Moreover, nowadays, such types of crimes are in trending and increasing on a large scale in the society in which large amounts of cyber fraud are transferred by criminals. I would like to make it clear that at this stage, the Court should not scrutinize the evidence in detail. The submissions advanced on behalf of the applicant have, in the circumstances and in the context of all such materials, no relevance or merit, and therefore, without any further discussion I pass the following order:-

-:: O R D E R ::-

(1) The bail application filed by applicant/accused - **ROHITBHAI DEVRAJBHAI DHANANI** under Section-483 of the Bharatiya Nagarik Suraksha Sanhita in connection with C.R.No. 11193003251154/2025, registered with Amreli City Police Station, for the offence punishable u/s. 317(2), 317(4), 54 of the Bharatiya Nyaya Sanhita, is hereby **REJECTED**.

Signed and pronounced in the open Court on this **08th** day of **June, 2026.**

Date : 08/06/2026
Place : Amreli.

(RIZVANA BUKHARI)
Sessions Judge
Amreli
UIC No.GJ00916.

Sessions Judge,
Amreli.