

GJAM010010952026



Received on : 30-06-2026
Registered on : 30-06-2026
Decided on : 03-07-2026
Duration : Ys. Ms. Ds.
00 - 00- 03

BEFORE THE COURT OF SESSIONS JUDGE,
AT : AMRELI.

CRIMINAL MISC. APPLICATION NO. 389/2026

EXH. : 6

APPLICANT :

HITESHKUMAR BHARATBHAI DHAMELIYA,

Age : 32 years, Occup. : Labour,
Residing at : Madhada, Bhayani Sheri,
Tal. : Shihor, 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**

Mr. M.M. Katariya, Learned Advocate for the applicant.
Mr. J.B. Rajgor, Learned P.P. for the opponent-State.

:- JUDGMENT :-

[1] The applicant has filed this application under
Section 483 of Bharatiya Nagarik Suraksha Sanhita, seeking

Sessions Judge,
Amreli.

regular bail as applicant is arrested in connection with C.R.No. 11193034260139/2026, registered with Lathi Police Station for the offence punishable u/s. 308 (4), 308(6), 340(2), 336(4), 75(2) 78, 351(3), 79 of Bharatiya Nyaya Sanhita and section 66(e), 67, 67(a) of the Information Technology Act.

[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 facts of the case of prosecution are that, the accused No. 1 Ashokbhai Gelani was constantly tailing, harassing, and causing distress to the complainant/victim herein by any means necessary. As the complainant did not succumb to his demands, the accused, with the intent to defame the complainant, created semi-nude, AI-generated photographs of the complainant along with a witness herein. Despite knowing that these photographs were fabricated/false, the accused uploaded them onto his Facebook profile ID named 'Ashok Gelani' and circulated them widely, with the intent to use them as genuine. Furthermore, the accused demanded a sum of Rs. 1,00,000/- from the complainant, threatening that if the demanded money was not paid, he would circulate the photographs to more places to further defame her. The accused also put the complainant in fear of death by threatening to kill the complainant, her husband, and her son, and further criminal intimidated her by threatening to falsely implicate them in cases that would land them in prison for life, thereby committing the alleged offenses. . Hence, the

offence punishable u/s 308 (4), 308(6), 340(2), 336(4), 75(2) 78, 351(3), 79 of the Bharatiya Nyaya Sanhita and section 66(e), 67, 67(a) of the Information Technology Act was registered against the accused Ashokbhai Gelani.

[4] At the time of argument, the learned advocate for the applicant/accused has submitted that the Applicant is absolutely innocent and has been falsely implicated in the alleged offense without any direct or circumstantial evidence available on the police record against the Applicant. The Applicant has not committed any such offense. Notwithstanding this, the Applicant has been falsely arrayed as accused in the present case without any reasonable or justifiable cause. Even upon bare perusal of the complaint of the present case, the applicant has been falsely implicated as accused, and he has been unlawfully arrested for an offense which he never committed as alleged by the complainant. The applicant is in no way involved in the commission of the alleged offense. It is also submitted that, the Applicant is of young age having responsibility of family and if he is not released on bail his family will suffer immense hardship, creating a situation that will severely jeopardize their livelihood and sustenance. It is strenuously argued that, no prima facie case is made out against the Applicant. Furthermore, considering the nature and facts of the complaint, the judicial proceedings in the present case will naturally take a considerable amount of time. If the Applicant is required to remain incarcerated during this interim period, it will cause irreparable hardship and prejudice to him. Accused No. 1 in this case has already been enlarged on bail

by Lathi Court on 19/05/2026, while accused Vimalbhai Seliya has been enlarged on bail by this Court in Criminal Misc. Application No. 349/2026, therefore on the ground of parity, the present applicant/accused should also be released on regular bail. Further, the Applicant undertakes that he shall not temper with any prosecution witnesses, nor shall he commit any act prejudicial to the evidence, and he shall extend full cooperation to the investigating agency. Furthermore, he is not flight risks. Further, the Applicant is ready and willing to furnish bail and abide by all terms and conditions that may be imposed by the Court. The Applicant is in judicial custody since 23/06/2026. Given that the statutory punishment for the alleged offense extends up to 10 years and this Court having wide discretionary powers to grant 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.

[5] While opposing the bail application, Learned P.P. has argued in nutshell that the involvement of the applicant in the alleged offence cannot be ruled out and he is involved in serious offence u/s. 308 (4), 308(6), 340(2), 336(4), 75(2) 78, 351(3), 79 of the Bharatiya Nyaya Sanhita and section 66(e), 67, 67(a) of the Information Technology Act. During the course of the investigation, a search of the mobile phone belonging to the co-accused Vimalbhai, revealed the presence of the same, semi-nude photograph of the victim which was previously circulated by the co-accused, Ashok Gelani, from his Facebook ID. The said

mobile phone has been seized for Forensic Science Laboratory examination and has been dispatched to the Directorate of Forensic Science office, Gandhinagar. The Applicant/Accused has committed the offense by aiding and abetting Accused Nos. 1 & 2. It is strenuously argued that, the present applicant/accused, along with the absconding co-accused, Puja Vala, J.D. Ahir, and Nayan Pareshbhai Gajera, generated a morphed, semi-nude photograph of the complainant/victim alongside a witness using Artificial Intelligence tools, and transmitted the same to the mobile phone of the arrested accused No. 2, Vimal Seliya. Accused No. 2, despite having knowledge that the said photograph was fabricated, instructed accused No. 1 to circulate it in a manner that would cause it to be used as genuine. Consequently, accused No. 1 circulated the said photograph through his Facebook profile/ID, establishing that the present applicant/accused played an active and pivotal role in the commission of the alleged offense. Furthermore, during the course of the investigation, the present applicant/accused, upon learning of the arrest of accused No. 2 by the police, intentionally destroyed evidence by smashing and damaging his own mobile phone, which contained the aforementioned photograph, and has failed to produce the said mobile phone before the investigating agency. It is also argued that the investigation of the crime is not over yet and applicant/accused is also involved in other offences and if he will be released on bail, it is likely that he will not remain present during trial, repeat the crime and there is strong possibility that the applicant/accused may threaten to the complainant as well as the

prosecution witnesses. 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. Looking to the case on hand, it emerges from the record that present applicant/accused is alleged to have acted in collusion with the other co-accused to fabricate evidence and subsequently destroy material clues during the course of the investigation and thereby played an active and pivotal role in the commission of the alleged offense, specifically by generating and circulating fabricated material. Upon perusal of affidavit of I.O. it reveals that, during the course of the custodial interrogation of the previously arrested accused No. 2 Vimal Vallabhbbhai Seliya, it emerges that the AI-generated, morphed, semi-nude photograph of the complainant along with the witness was jointly fabricated by the present applicant/accused alongside co-accused Puja Vala, Hiteshbhai's friend J.D. Ahir, and Nayan Pareshbbhai Gajera, who subsequently transmitted the same to him. It also manifests that initially the present applicant/accused has not disclosed any facts regarding his associates and denied about knowledge regarding the said morphed semi-nude photograph of the complainant and the witness. The I.O. has further stated that, as there was a strong

probability that the said semi-nude photograph was fabricated on the mobile phone of the applicant/accused, an investigation into his mobile device became absolutely imperative, hence the I.O. investigated in this regard and it revealed that, initially the present applicant/accused stated false fact that his smartphone had slipped/dropped somewhere. However during investigation it reveals that, the applicant/accused contained the morphed, semi-nude photograph of the complainant and the witness, hence he intentionally smashed, damaged, and discarded his Android mobile phone. Thus, it is prima facie evident that during the investigation, the applicant/accused willfully failed to produce his mobile phone and intentionally caused the disappearance/destruction of vital evidence. It reveals that the present applicant/accused has played a principal and dominant role in the commission of the offense. It is also revealed during investigation that the applicant/accused was employed as a Sub-Editor for 'Rajput Vani News', where he routinely broadcasted news items along with images and was well-versed in photo-editing techniques. Given his background as a news editor and proficiency in digital editing tools, there exists a strong and reasonable presumption that the circulated photograph in question was edited and fabricated by the present applicant/accused himself. The I.O. has further stated that, as the investigation is currently at a critical stage, and looking into the active and pivotal role of the applicant, which has surfaced during the probe, further analysis of digital evidence is underway and other co-accused are yet to be apprehended. If the applicant/accused is enlarged on bail

at this juncture, there is a strong apprehension that he may influence the complainant/witnesses, tamper with electronic evidence, or delete/destroy mobile data, social media accounts, cloud data, and other digital footprints. Considering the gravity of the allegations, the pivotal role played by the applicant/accused, and the active destruction of evidence, this Court finds no merit in the application. Further, I would like to make it clear that, at this preliminary 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 :-

-:: ORDER ::-

- (1) The bail application, filed by applicant/accused - **HITESHKUMAR BHARATBHAI DHAMELIYA**, under Section-483 of the Bharatiya Nagarik Suraksha Sanhita in connection with C.R. No. 11193034260139/2026, registered with Lathi Police Station for the offence punishable u/s. 308 (4), 308(6), 340(2), 336(4), 75(2) 78, 351(3), 79 of Bharatiya Nyaya Sanhita and section 66(e), 67, 67(a) of the Information Technology Act, is hereby **REJECTED**.

Signed and pronounced in the open Court on this **03rd** day of **July, 2026**.

Date : 03/07/2026
Place : Amreli.

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

Sessions Judge,
Amreli.