

GJBN010021372026



Received on : 21.05.2026
 Registered on : 21.05.2026
Decided on : 04.06.2026
 Duration : DD MM YY
 14 - 00 - 00

**IN THE COURT OF 5TH ADDITIONAL SESSIONS JUDGE,
 BHAVNAGAR.**

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Criminal Misc. Application No.899 of 2026.

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EXH.NO -

Applicant. : Sushilkumar Vinodkumar Meghwal,

Age : 33 years, R/o.22/40, Sukhram Nagar
 Society, Rakhiyal, Ahmedabad.

(at present in judicial custodial at District Jail,
 Bhavnagar)

Vs.

Opponent. : The state of Gujarat.

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**Application for Regular bail under Section 483 of the
 Bharatiya Nagarik Suraksha Sanhita, 2023.**

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APPEARANCE:

Mr.S.A.Saiyad, Ld. Advocate for the applicant,
 Mr.D.A.Mehta, Learned A.P.P. for the State.

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JUDGMENT

[1.0] This application is filed by the applicant under Section
 Application for Regular bail under Section 483 of the
 Bharatiya Nagarik Suraksha Sanhita, 2023 for regular bail in

connection with F.I.R. registered as **C.R.No.11201018260022/2026** with **C.I.D. Cyber Crime Police Station, Gujarat State, Gandhinagar** for the offence punishable under **Sections 303(2), 317(2), 318(4), 336(3), 338, 340(2), 61(2) of The Bharatiya Nyaya Sanhita, 2023 and Section 66, 66(C), 66(D) of The Information Technology Act.**

[2.0] It is stated by the applicant that, the applicant has been arrested by the police in connection of the afore-stated offence and he has produced before the Ld.trial Court and thereafter he again produced before the trial Court and on 23.03.2026 after completion of remand period, the Hon'ble Court has sent him in judicial custody, hence, the present application has been filed under Section 483 of B.N.S.S.

[3.0] On service of notice to the opponent, Ld. A.P.P. appeared on behalf of State and investigating officer has filed affidavit in support of the complaint and also submitted police papers.

[4.0] Ld. Advocate for the applicant has submits that the applicant has no connection with the alleged offence and that he has been falsely implicated with the present offence. It is further submitted that the complaint is filed late and no any explanation has been mentioned in complaint. Ld. advocate for the applicant further submitted that the case is depends on documentary evidence. It is further submitted that the offences are triable by the Court of Judicial Magistrate First Class, and the applicant has no any criminal past and that

the conclusion of trial of the alleged offence is likely to take long time. Therefore, no useful purpose would be served to keep the applicant behind the bar for uncertain period by way of pre-trial punishment. It is further submitted that co-accused of this case has been granted regular bail by the Hon'ble High Court of Gujarat in R/Criminal Misc. Application (For Regular Bail - After Chargesheet) No.10561 of 2026 on 05.05.2026 and therefore, parity is applicable to the present applicant and he may be released on bail. It is further submitted that the applicant will be easily available at the time of trial and he is ready and willing to co-operate in the investigation and to abide by any of the conditions which may be imposed while enlarging him on bail. Accordingly, this application may kindly be allowed.

[5.0] On the other hand, learned A.P.P. appearing for the opponent-state has opposed the bail application and as per the averments of the affidavit filed by the IO and IO has submitted that in this case as per the allegation, the applicant along with other co-accused have hacked the system of The Bhavnagar District Co.Op.Bank Ltd, and got illegally access in server and transferred from different bank account of Rs.7,34,91,682/- and has made fraud with complainant and also knowing that the money is Cyber fraud even though, thereafter withdrew the cyber fraud amount through ATM and thereafter applicant received the fraud amount and thereby he has committed the offence as alleged in the FIR and misappropriated the money in the tune of Rs.7,34,91,682/-. It is further submits that from the

record, it appears that the present applicant is actively involved in the offence as alleged in the FIR. Further, it is submitted that if the present applicant is enlarged on bail, there is every possibility that he may tamper the prosecution witness and there is also possibility that his presence will not be secured in the trial. Moreover, till the investigation is in crucial stage therefore, if the applicant is released on bail then there is all possibilities of hampering or tempering with the evidence of the prosecution and may threaten the prosecution witnesses by the applicant and therefore, no lenient view can be taken. Therefore, such type of accused may not be released on bail, therefore, considering the seriousness and gravity offence, the present application is required to be rejected.

[6.0] I have heard the Ld. advocates appearing on behalf of the respective parties and perused the papers.

[7.0] On perusal of the papers, it appears that allegation against the applicant is that the applicant along with other co-accused have hacked the system of The Bhavnagar District Co.Op.Bank Ltd, and got illegally access in server and transferred from different bank account of Rs.7,34,91,682/- and has made fraud with complainant and also knowing that the money is Cyber fraud even though, thereafter withdrew the cyber fraud amount through ATM and thereafter applicant has received the fraud amount and thereby he has committed the offence as alleged in the FIR and misappropriated the money in the tune of Rs.7,34,91,682/-. It

is further submits that from the record, it appears that the present applicant is actively involved in the offence as alleged in the FIR. Further, it appears that the entire case is based on documentary evidence which were collected by the I.O. As per allegations, present applicant played active role and got amount in his account, therefore, it is clear prima facie case against the present applicant-accused and his active role played by the present applicant has also come on record. At this stage, the present accused is connected with the offence of committing cheating and getting financial benefit. It also appears from the record that the present applicant-accused has been seen in CCTV footage of ATM and therefore, in this case the role of the accused is prima facie established at this stage. It further appears from the records that at this stage when investigation is at crucial stage, if he is released on bail, there is every possibility of threatening the witnesses and hamper the investigation by the applicant. Moreover, other important main accused have yet to be arrested and it is big cyber fraud.

[7.1] So far releasing other co-accused by the Hon'ble High Court of Gujarat and thereby, the grant of parity is concerned, from the record, it clearly transpires that the role attributed to the present applicant and other co-accused are totally different. Therefore, in the present offence also same role is attributed to the present applicant-accused therefore, though other co-accused was granted regular bail by the Hon'ble High Court of Gujarat, present applicant-accused is not entitled to be released on regular bail, on the principle of parity.

[7.2] Therefore, considering the facts and circumstances of the case, gravity of offence and more particularly the facts that investigation is at crucial stage, this Court is not inclined to grant the present application filed by the applicant at this stage. Accordingly following final order is passed in the interest of justice.

::O R D E R::

- (1)** The present application for Regular bail under Section 483 of B.N.S.S. is hereby **dismissed**.

Pronounced today in open Court on **04.06.2026**.

Date : 04.06.2026

Place : Bhavnagar

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(JIGNESH GIRISHBHAI DAMODRA)

5th Additional Sessions Judge,
Bhavnagar.

Unique ID Code No.GJ00996