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**IN THE COURT OF THE HON'BLE 6th  
ADDITIONAL SESSIONS JUDGE, SURAT.**

**CRI. MISC. APPLICATION No. 1827 of 2026**

Sr. No.	Name of The Applicant	Age	Occupation
	Nikhil Hasmukhbhai Savaliya Resident of, Plot No.126, Ground Floor, Ashirwad Banglow, Mishan-Naher Road, Pasodara, Surat.	28 years	-
V/s			
Sr. No.	Name of The Opponent	Age	Occupation
	The State of Gujarat, Through District Government pleader, Surat.	-	-

Sub :- Application under the provisions of section 482 of The BHARATIYA NAGARIK SURAKSHA SANHITA, 2023.

Appearance :-

Ld. Advocate for the applicant :- Mr. R. K. Jiwani.

Ld. A. P. P. for the opponent :- Mr. R. P. Dobariya.

**:- Judgment :-**

1. The applicant has filed the present application under the provisions of section 482 of The Bharatiya Nagarik Suraksha Sanhita, 2023 (herein after referred as "**The BNSS**" for short) inter – alia praying for the grant of anticipatory bail apprehending his arrest in connection with

the offenses registered with Cyber Crime Police Station, vide I C. R. No. 11210062250086/2025, for the alleged commission of the offenses punishable under the provisions of Sections 318(4), 319(2), 336(2), 338, 336(3), 340(2), 61(2), 3(5) of The Bharatiya Nyaya Sanhita, 2023 (herein after referred to as "The BNS" in short) and under the provisions of Section 66(d) Information Technology Act, 2008.

2. The learned advocate for the applicant has submitted that, earlier co accused have filed bail application, after filing of charge sheet qua them, before the Sessions Court, which was allowed by this court and the applicant accused is alleged to play role lesser than them and therefore, prayed for grant of the application. The learned advocate for the applicant has submitted that, the applicant has not committed any offense but he is falsely involved in this case. The story of the complainant is got up and the applicant has not cheated any person. Now, the investigating officer has completed his investigation and has filed charge sheet against the co accused, which has culminated into registration of Criminal Case No. 7715/2026 and therefore, the present applicant is not required for any other purpose. It is further submitted that, the applicant is are not directly involved in the said offense. The complaint is lodged with an ulterior motive to falsely implicate applicant. No custodial interrogation or custody of the applicants is necessary for recovery or discovery. The applicant / accused have no any criminal antecedent and is having family and responsibility to maintain his family. The applicant - accused will be readily

available for the trial and also for investigation purpose, and hence, there is sufficient reason to use the discretion, and it is prayed to allow this anticipatory bail application.

3. The learned APP has made his oral submission by reiterating the contention raised by the IO in his affidavit vide Exh. 04. It is further submitted by the learned APP that, the applicant - accused along with other co-accused have made preplanned conspiracy and developed and operated fake and forged e-commerce digital application and uploaded it on the play store, ran advertisements and provided application to use to other co-accused and thereby online purchase orders and payments from different customers have been collected and have cheated multiple customers. Further, the applicant accused was handling the said application and during the course of investigation, two phones and one laptop has been seized from the co-accused. He has further submitted that the other co-accused are yet to be arrested and there appears prima facie case against the accused and therefore, custodial interrogation of the applicant can not be ruled out and thus, if the applicant is given protection of anticipatory bail, he will not cooperate with the investigation, which will have adverse effect on fair investigation. Further, the applicant accused has been absconding since filing of the complaint. He has further submitted that, considering the nature of allegations leveled against the applicant as well as his role alleged in the commission of crime, the custodial interrogation of the applicant is necessary and therefore, principle of parity also can not be made applicable to the applicant and thus, the

present anticipatory bail application of applicant may be disallowed.

4. I have considered the rival submissions advanced by the Id. Advocate for the respective parties and police papers made available on record. The applicant/accused is alleged to have committed the offenses as aforesaid. It alleged that, the applicant - accused has, in conspiracy with co-accused, developed fake Meesho application and has received financial benefits by taking online purchase order and advance payments and the orders were not delivered and in this way, he has cheated multiple customers. The present applicant accused is the handler of the App. Thus, on carefully going through the factual aspects of the case, at this stage, it would be profitable to rely and refer on the judgment of Hon'ble The Supreme Court in the matter between Sumitha Pradeep V/s Arun Kumar C. K. & Anr, in CRIMINAL APPEAL NO.1834/2022, more particular a relevant portion is mentioned below.

..... In many anticipatory bail matters, we have noticed one common argument being canvassed that no custodial interrogation is required and therefore, anticipatory bail may be granted. There appear to be a serious misconception of law that if no case for custodial interrogation is made out by the prosecution, then that alone would be a good ground to grant anticipatory bail. Custodial interrogation can be one of the relevant aspects to be considered along with other grounds while deciding an application seeking anticipatory bail. There may be many cases in which the custodial interrogation of the accused may not be required, but that does not mean that the prima facie case against the accused should be ignored or overlooked and he should be granted anticipatory bail. The first and foremost thing that the court hearing an anticipatory bail application should consider is the prima facie case put up against the accused. Thereafter, the nature of the offense should be looked into along with the severity of the punishment. Custodial interrogation can be one of the grounds to decline anticipatory bail. However, even if custodial interrogation is not required or necessitated, by itself, cannot be a ground to grant anticipatory bail.

6. I have considered the aforesaid settled legal proposition. On

carefully going through the factual aspects of the case along with submissions advanced by the parties, respectively, it appears that, the present accused is alleged to be handler of the Application. Therefore, considering the facts of the case, it appears that, the investigation is in motion qua the applicant. Further, considering the facts revealed during the course of investigation as mentioned in the affidavit of the IO vide exh. 5, it appears that, the involvement of the applicant accused can not be ruled out completely and thus, it appears that, he is involved in commission of the said offense and therefore, as a fair investigation, at this stage, the requirement of custodial interrogation can not be ruled out completely.

I have also gone through the orders passed by this court qua the application of the co accused after filing of charge sheet qua them, wherein, the present applicant accused shown to be absconding and therefore, this court is of the view that, the principle of parity can not be made applicable at this stage.

Hence, considering factual aspects of the case on hand, it transpires that, for the purpose of fair investigation, the custodial interrogation of accused - applicant can not be ruled out completely. The investigation is at initial and crucial stage qua the applicant and hence, the anticipatory bail cannot be granted to the accused - applicant and therefore, without going into the merits of this case as well as in view of this court, at this stage no exceptional circumstances are made out to exercise the power vested u/s

482 of the BNSS and therefore, this court does not inclined to exercise its discretionary power in favour of the applicant and hence, in the interest of justice, following order is passed.

**ORDER**

The application filed by the applicants under the provisions of section 482 of The BNSS is hereby disallowed and rejected.

Order is passed and Pronounced in the Open Court on this 20th Day of March, 2026.

Date :- 20/03/2026  
Place :- Surat

Hiteshkumar Mukundray Vyas  
6th Addl. District & Sessions Judge, Surat.  
Judge Code No. GJ00834

Atk