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Decided on	30	03	2026
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**IN THE COURT OF 2nd ADDITIONAL DISTRICT &
SESSIONS JUDGE, SURAT AT SURAT.**

Criminal Misc. Application No. 1981/2026

Exh. __

Applicant:

Mayank Sanjay Mishra

Aged- 23 years, Occupation- Service,
Presently at Central Jail, Lajpore.

VERSUS

Opponent:

The State of Gujarat.

Appearance:

Ld. Advocate Shri. Z. N. Vana for the Applicant.

Ld. Advocate Shri. K. J. Parekh for the de-facto Complainant.

Ld. Advocate Shri. N. R. Dudhwala for Victims.

Ld. APP Shri. U. A. Patil for the State.

AN APPLICATION UNDER SECTION 483 OF THE BNSS

: JUDGMENT :

- 1) This application filed by the applicant/accused under Section 483 of BNSS, 2023 for being released on bail in connection

with the offences registered at Rander Police Station vide C.R. No. Part-A-11210050260028/2026 for having committed offences under Sections 318(4), 336(2), 336(3), 338, 340(2) of The Bharatiya Nyaya Sanhita, 2023.

- 2) The notice was issued to the respondent State of Gujarat. The Ld. APP has appeared before the court. The investigating Officer has submitted his affidavit vide Exh. 4.
- 3) Learned advocate for the applicant has submitted that the applicant is innocent and has been falsely implicated in the present case. It is submitted that the applicant is a citizen of India having good professional reputation. It is submitted that the dispute between the parties is essentially of civil nature arising out of financial transactions and business dealings relating to alleged booking of shops and flats. It is further submitted that prior to the registration of the FIR, the applicant had already instituted a civil suit before the competent Civil Court seeking declaration, recovery and damages, which clearly indicates bona fide conduct and shows that the present FIR is nothing but a counterblast. Learned advocate has submitted that the allegations in the FIR are primarily based on documentary evidence such as, Bank transactions, Digital payments, Demand drafts and Alleged letters and therefore custodial interrogation of the applicant is not necessary. It is submitted that the investigation is documentary in nature and all records are already available with the investigating agency. It is further argued that the applicant has cooperated with the investigation and is ready to cooperate further. The applicant

undertakes not to tamper with evidence or influence witnesses. It is submitted that the applicant has deep roots in society, is not likely to abscond and is willing to abide by any conditions imposed by the Court. Considering the pendency before the courts, the trial will take its own time to conclude and hence if the applicant may be kept behind bars for long period, it may become pre-trial conviction for the applicant. Hence, it is prayed to release the applicant/accused on regular bail.

- 4) Learned APP has strongly opposed the application and submitted that the applicant has committed a serious offence of cheating and fraud affecting multiple victims. It is submitted that the applicant, with an intention to gain wrongful financial benefit, falsely represented himself as a person having influence in allotment of shops and flats under Government housing schemes and induced the complainant and other persons. It is further submitted that the applicant collected money from the complainant and about 49 other persons, issued forged demand drafts of State Bank of India and issued forged allotment letters in the name of Surat Municipal Corporation and Gujarat Housing Board and also, executed notarized documents to gain confidence of victims. Learned APP has submitted that the total amount involved in the offence is approximately Rs.60,21,000/- and during investigation further amount of Rs.2,42,800/- from additional victims has also come to light. It is submitted that the total cheating amount exceeds Rs.62 Lakhs and the offence is grave and serious. It is further submitted that

verification from concerned authorities has clearly revealed that, no such allotments were made, demand drafts were bogus and letters issued were forged. Learned APP has argued that the applicant has targeted poor and middle-class persons and exploited them by making false promises of allotment of houses under Government schemes. It is submitted that investigation is still in progress and more victims and transactions are being traced. Therefore, the learned APP prays that the bail application be rejected in the interest of justice and public order.

- 5) The original complainant has filed an affidavit vide Exh-9 and also, other victims have filed their affidavit vide Exh-11, 12, 13 & 14 opposing the bail application and have stated that the applicant has cheated them by falsely promising allotment of shops and flats. It is further submitted that the complainant and other victims have invested their life savings. If the applicant is released on bail, it will have an adverse impact on society. It is further submitted that there is a strong apprehension that the applicant may again indulge in similar activities if released. Rejection of bail would send a strong message in society and maintain faith in the justice system. It is further stated that granting bail would result in misuse of liberty and may lead to intimidation of victims and witnesses.
- 6) The granting or rejecting the bail application is a discretionary relief. The Court is duty-bound to exercise its discretion judiciously, with due caution, and in strict adherence to the fundamental principles laid down by the

Hon'ble Supreme Court and Hon'ble High Court in numerous decisions regarding the grant of bail. It is well established that several key factors must be considered while deciding a bail application, including, (i) the nature and seriousness of the accusation; (ii) the applicant's criminal history, if any, particularly past convictions involving cognizable offences; (iii) the likelihood of the applicant fleeing from justice; and (iv) whether the accusation appears to have been made with the intent to harass, injure, or humiliate the applicant through arrest. Also, at the bail stage, a detailed analysis of the evidence or findings that may prejudice the accused should be avoided.

- 7) I have considered the rival submissions and perused the material on record. Prima facie, the applicant appears to have induced the complainant and other persons by making false representations regarding allotment of shops and flats under Government schemes. The material indicates that substantial amounts were collected and forged documents were issued to gain confidence, which upon verification are found to be not genuine. The allegations disclose a serious and well-planned offence involving multiple victims and significant financial loss. At this stage, the contention that the dispute is civil in nature cannot be accepted in view of the prima facie material indicating cheating and forgery. The filing of a civil suit does not absolve the applicant from criminal liability. Considering the magnitude of the offence, the stage of investigation, and the possibility of influencing witnesses or tampering with evidence, this Court is not

inclined to grant bail. Hence, discretionary power under Section 483 of BNSS, 2023 can be exercised in favour of the accused so I hereby pass following order in the interest of justice.

ORDER

- The application for bail filed by the present applicant-accused is hereby **rejected**.
- Yadi of this order be sent to all the concerned for knowledge, information and compliance.

Signed and Pronounced in the open Court today i.e. on 30th March, 2026.

Date:30-03-2026
Surat.
v

(Rakesh Rajnikant Bhatt)
2nd Additional Sessions Judge,
Surat
(Unique ID Code: **GJ00608**)