
**IN THE COURT OF 12TH ADDITIONAL SESSIONS
JUDGE, SURAT**

CRIMINAL MISC. APPLICATION NO. 4431 OF 2026

Exhibit:

Applicant :	Bhupal Nanavath S/o Nanavath Punya Naik Age : 43 years, Occupation:- Business, Residing at: Villa No. 5, Vesella Woods, Narne Estates Road, Kondapur (Presently in Judicial Condition at Lajpor Central Prison, Surat)
Versus	
Respondent :	State of Gujarat

Subject: Regular Bail Application U/s. 483 of BNSS.

Appearances :

Ld. Adv. for the Applicant-Mr. A. N. Pabari & Mr. Sahil Sharma,
Learned APP for State. -Mr. D. V. Dave,

:: J U D G E M E N T ::

1. The present application has been filed under Section-483 of B.N.S.S., seeking regular bail in connection with the offences registered at **Cyber Crime** Police Station, Surat vide C.R. No. 11210062260035/2026 for having committed offences under Sections 318(4), 336(2), 338, 336(3), 340(2), 61(2) and 3(5) of BNS, 2023 and under Section 66(d) of Information Technology Amendment Act, 2008.

12th Addl. District & Sessions Judge, Surat

2. Ld. Advocate for the applicant/accused has reiterated the contents of the application and he further submitted that the applicant/ accused has not committed any offence and fraud and he is innocent. He has submitted that the applicant is in judicial custody since 15.06.2026. He has submitted that applicant/accused is falsely implicated in the offence. He has submitted that there is no prima facie case made out against the present applicant/accused. He has further submitted he has responsibility of his family. He has further argued that if applicant released on bail he will present in the court in every trial and thus, there is no question of flee from the trial and requested to allow this bail application.
3. Learned A.P.P. appeared for the State has opposed this application and the Investigating Officer has filed an affidavit at Exh.4 to oppose this application. He has further submitted that charge-sheet has not been filed and investigation is still going on against the present applicant if the accused released on bail he will flee from trial and also temper with the evidence and hampering witnesses. He submitted that the offence is serious one, therefore, the application should be rejected since the alleged offence is serious and there is prima facie case made out against the accused.
4. Heard both the parties, looking to the facts of the present case, perusing the application of the accused and police papers along with an affidavit of the IO. The offence has been registered under Sections 318(4), 336(2), 338, 336(3), 340(2), 61(2) and 3(5) of BNS, 2023 and under Section 66(d) of

Information Technology Amendment Act, 2008 and looking to the penal provision of alleged offence. So, looking to the FIR and the police affidavit, present applicant accused had also played active role in crime. As per police affidavit along with present complainant, present applicant/accused got a total amount of Rs. 3,21,93,990/- transferred, refunded Rs. 96,66,909/- at the rate of 4% profit, and dishonestly failed to return the remaining amount of Rs. 1,24,77,081/- and thereby committing cheating and fraud. As per the affidavit filed by the IO as well as, as per the contention raised by Ld. Advocate for the applicant himself, more than One Crore amount is not paid by accused/applicant. Accused himself has admitted that from Oct-2025 no interest is paid on principal amount. It is admitted on record that the accused had given offer to his investors that his company will give 49% interest per annum on the invested amount, this offer is lucrative and due to this offer complainant has invested huge amount of Rs. 2,21,93,990/- in applicant/accused's firm and now accused had stop paying interest to complainant as well as other investors in whole India. Further, prima facie it amounts to offence of breach of trust and cheating. Further, the accused is recently arrested on dated 15.06.2026. if present accused will be released on bail, then there is a chance that he will also flee away from India and he will not fulfill the promise made by him in the affidavits. Further, the investigation is at crucial stage. If present accused will be released on bail he may not remain present during trial and there is a chance to hamper or

temper with the evidence and the applicant/accused presence is required during the further investigation.

5. Considering the facts and circumstances of the case, there are sufficient evidence against the present applicant showing his active involvement in the present case. Therefore, considering the seriousness of offence and the role played by the present applicant/accused and I do not deem it fit to grant the regular bail in favour of present applicant-accused. Hence, in view of the aforesaid facts and circumstances and in the interest of justice, I pass following order :-

:: ORDER ::

The present Regular bail application is hereby ordered to be rejected.

Signed & Pronounced in open court today on 01st of July, 2026.

Date : 01/07/2026

Place : Surat

(Bhavesh K. Avashia)
12th Addl. District & Sessions
Judge, Surat.
(CODE No.GJ00816)

JK

12th Addl. District & Sessions Judge, Surat