

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CRIMINAL MISC.APPLICATION (FOR REGULAR BAIL - AFTER
CHARGESHEET) NO. 9462 of 2026**

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MOHNISH @ NAITIK S/O ASHWINBHAI HARIBHAI JOSHI
Versus
STATE OF GUJARAT

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Appearance:

MR NIRUPAM NANAVATY, SENIOR ADVOCATE with
MR YASH N NANAVATY(5626) for the Applicant(s) No. 1
MR JK SHAH ADDL. PUBLIC PROSECUTOR for the Respondent(s) No. 1

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CORAM:HONOURABLE MR. JUSTICE NIKHIL S. KARIEL

Date : 04/05/2026

ORAL ORDER

1. Heard learned senior advocate Mr.Nirupam D. Nanavaty with learned advocate Mr. Yash Nanavaty appearing on behalf of the applicant and learned Additional Public Prosecutor Mr. J.K.Shah appearing on behalf of the respondent-State.

2. **Rule.** Learned APP waives service of rule on behalf of the respondent-State.

3. The applicant has filed this application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 for enlarging the applicant on Regular Bail in connection with FIR being

C.R. No.11203023251246 of 2025 registered with A-Division Police Station, District: Junagadh for the offence punishable under Sections 317(2), 317(4), 316(2), 318(4), 61(2) of the BNs Act along with Section 66(d) of the IT Act.

4. Learned advocate for the applicant would submit that considering the role attributed to the applicant, and nature of the allegation levelled, the applicant may be enlarged on regular bail. It is further submitted that since the charge-sheet is filed no useful purpose would be served by keeping the applicant in jail for indefinite period. It is further contended that the applicant is ready and willing to abide by all the conditions that may be imposed by this Court if released on bail.

5. As against the same, learned Additional Public Prosecutor appearing for the respondent – State has vehemently objected to the grant of regular bail. Learned APP has submitted that looking to the nature of offence and the role attributed to the present applicant as coming out from the charge-sheet, this Court may not exercise the discretion in favour of the applicant and the application may be dismissed.

6. I have heard learned advocates appearing on behalf of the respective parties and perused the papers. Following aspects are considered:-

- i. Allegation being that the accused, had laundered money through the means of mule accounts and whereas the amount being proceeds of crime.
- ii. The role attributed to the present applicant being that he was working with an Angadia firm and whereas he was transferring money at the behest of the co-accused, who is based in Dubai.
- iii. As against the same, it would appear that the investigation has revealed about the present applicant working in an Angadia firm and transferring money as per the instruction of the co-accused.
- iv. Beyond the same, it is not mentioned that the present applicant was in touch with the any of the co-accused, had known that the money which was transferring were proceeds of Cybercrime, and had in connection with the said part of the offence.
- v. At the cost of repetition, it would appear that the present applicant, was engaged in his own business and whereas he does not appear to be connected with the principal of the offence in any manner whatsoever

vi. Considering the same, more particularly, having regard to the fact that the applicant is in custody since 09.02.2026, charge-sheet having been filed, this Court is inclined to allow this application.

This Court has taken into consideration the law laid down by the Hon'ble Apex Court in the case of **Sanjay Chandra v. Central Bureau of Investigation** reported in [2012] 1 SCC 40.

7. In the facts and circumstances of the case and considering the nature of the allegations made against the applicant in the First Information Report, without discussing the evidence in detail, prima facie, this Court is of the opinion that this is a fit case to exercise the discretion and enlarge the applicant on regular bail.

8. Hence, the present application is allowed. The applicant is ordered to be released on bail in connection with F.I.R. registered as **C.R. No.11203023251246 of 2025** registered with **A-Division Police Station, District: Junagadh** , on executing a bond of Rs.25,000/- (Rupees Twenty Five Thousand only) with one surety of the like amount to the satisfaction of the trial Court and subject to the conditions that he shall;

- [a] not take undue advantage of liberty or misuse liberty;
- [b] not act in a manner injurious to the interest of the prosecution;
- [c] surrender passport, if any, to the lower court within a week;
- [d] not leave the State of Gujarat without prior permission of the Sessions Court concerned;
- [e] furnish the present address of residence to the I.O. and also to the Court at the time of execution of the bond and shall not change the residence without prior intimation to the I.O.;
- [f] mark presence once in a month for a period of six months before the concerned police station.

9. The Authorities will release the applicant only if he is not required in connection with any other offence for the time being. If breach of any of the above conditions is committed, the Sessions Court concerned will be free to take appropriate action in the matter.

10. Bail bond to be executed before the lower court having jurisdiction to try the case. It will be open for the concerned

Court to delete, modify and/or relax any of the above conditions in accordance with law.

11. At the stage of trial, the trial court shall not be influenced by any observations of this Court which are of preliminary nature made at this stage, only for the purpose of considering the application of the applicant for being released on regular bail.

12. The application is allowed in the aforesaid terms. Rule is made absolute to the aforesaid extent. Direct service is permitted.

(NIKHIL S. KARIEL,J)

NAIR SMITA V./69-DB