IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/CRIMINAL MISC.APPLICATION (FOR REGULAR BAIL - AFTER CHARGESHEET) NO. 10233 of 2026

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SURESHBHAI NARSINHBHAI PARMAR
Versus
STATE OF GUJARAT

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Appearance:
MR SATYAJIT S SONAGARA(12218) for the Applicant(s) No. 1
MR VISHALKUMAR M PAREKH(12969) for the Applicant(s) No. 1
MR HARDIK MEHTA, APP for the Respondent(s) No. 1

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CORAM:**HONOURABLE MR. JUSTICE HASMUKH D. SUTHAR**

Date : 17/06/2026

ORDER

[1.0] RULE. Learned APP waives service of rule for the respondent-State.

[2.0] The present application is filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short "BNSS") for regular bail in connection with **FIR being C.R. No. 11191067250099 of 2025 registered with Cyber Crime Police Station, Ahmedabad City,** for the offences under Sections 61(2), 318(4), 319(2), 340(2) of BNS and Sections 66(c) and 66(d) of the Information Technology Act.

[3.0] Learned advocate appearing on behalf of the applicant submits that the applicant is innocent and has been falsely implicated in the offence. Investigation is over and chargesheet has been filed. Nothing is required to be recovered or discovered. The applicant has no past antecedent. He is not named in the FIR. Allegation levelled in the FIR is that, the accused persons convicted the complainant to invest money in stock market and in the return, the complainant was promised return upto 200 to 500 % on the invested money by the accused. Subsequently, returns were denied and principal amount of the investment was also not paid. In this regard, FIR came to be lodged. Role of the applicant is that he has provided mule bank account in which he has received fix amount. Except this, he has not played any role nor lured money of complainant. He therefore submits that, considering the nature of the offence, the applicant may be enlarged on regular bail by imposing suitable conditions.

[4.0] Learned APP appearing on behalf of the respondent-State has opposed the present application and requested to dismiss the present application for regular bail on the ground that the applicant is very much involved in the present offence. The complainant got message from one stock trading group from which the complainant regularly got tips about stock market. Then he received one link for joining the group and by winning over the trust of the complainant, got transferred huge amount of Rs.1,51,20,558/- in different bank accounts. Thereby, all the accused in connivance with each other committed offence of cyber fraud. The applicant has also provided bank account and received money of cyber fraud. Therefore, present application does not deserve consideration.

[5.0] While granting bail, the Court has to consider the involvement of the accused in the alleged offence, the jurisdiction to grant bail has to be exercised on the basis of the well settled principles having regard to the facts and circumstances of each case and the following factors are to be taken into consideration while considering an application for bail: (i) the nature of accusation and the severity of the punishment and the nature of the materials relied upon by the prosecution; (ii) reasonable apprehension of tampering with the witnesses and threat to the complainant or the witnesses; (iii) reasonable possibility of securing the presence of the accused at the time of trial or the likelihood of his abscondence; (iv) character behaviour and standing of the accused and the circumstances which are peculiar to the accused; (v) larger interest of the public or the State and similar other considerations are required to be considered.

[6.0] I have heard the learned advocates appearing on behalf of the respective parties and perused the investigation papers. Following aspects have been considered:

(1) Investigation is over and charge-sheet is filed;

(2) Applicant is behind the bar since 13.01.2026;

(3) There is nothing to be recovered or discovered from the applicant;

(4) Offence is triable by JMFC Court;

(5) He is not named in the FIR but based on the statement of co-accused, subsequently, he has been arraigned as an accused.

(6) No past antecedent;.

(7) Obviously commencement and conclusion of trial will take its own time.

(8) The main allegation is that the accused cheated the complainant of Rs.1,51,20,000 by pretending to invest the money in the stock market. According to the prosecution, the present applicant's role was limited to providing bank accounts and SIM cards that were later used in the fraud. The applicant opened a Rajkamal Pay Out Account in the name of a Digital Private Limited company and handed over the bank account kit and Airtel SIM card to Accused No. 2 - Jigar Lagdhirbhai Joshi. For this, he received Rs.1,50,000/- as commission through online transfers on different dates. He similarly provided such bank account kit and SIM card to Accused No. 3 - Nareshbhai Karsanbhai Patel, and received Rs.50,000 as commission. An absconding person known as "Teni" also obtained the applicant's bank account details through Accused No. 2. Teni used the applicant's bank account kit and SIM card, and for that the applicant received Rs.70,000/- in cash as commission. The allegation against the applicant is that he opened bank accounts and supplied their details, kits, and SIM cards to Accused Nos. 2 and 3, who then passed these account details to the absconding accused, Teni. However, according to the case, the applicant is not alleged to have directly contacted,

induced, or cheated the complainant, nor any direct nexus with the investment scam. His role is limited to providing the bank accounts and related materials that were used in the fraudulent transactions.

[7.0] This Court has also taken into consideration the law laid down by the Hon'ble Apex Court in the case of **Sanjay Chandra vs. Central Bureau of Investigation reported in [2012]1 SCC 40 as well as in the case of Gudikanti Narasimhulu And Ors vs. Public Prosecutor, High Court of Andhra Pradesh reported in (1978)1 SCC 240**. Obviously, the conclusion of trial will take time and keeping the accused behind the bars is nothing but amounts to pre-trial conviction and therefore, considering the celebrated principle of bail jurisprudence is that “bail is a rule and jail is exception” as well as the concept of personal liberty guaranteed under Article 21 of the Constitution of India, present application deserves consideration.

[8.0] In the facts and circumstances of the case and considering the nature of the allegations made against the applicant in the FIR, 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. Hence, the present application is **allowed**. The applicant is ordered to be released on regular bail in connection with **FIR being C.R. No. 11191067250099 of 2025 registered with Cyber Crime Police Station, Ahmedabad City** on executing a personal 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/she shall;

(a) not take undue advantage of liberty or misuse liberty;

(b) not act in a manner injurious to the interest of the prosecution & shall not obstruct or hamper the police investigation and shall not to play mischief with the evidence collected or yet to be collected by the police;

(c) surrender passport, if any, to the Trial Court within a week;

(d) not leave the State of Gujarat without prior permission of the Trial Court concerned;

(e) mark presence before the concerned Police Station once in every month for a period of six months between 11.00 a.m. and 2.00 p.m.;

(f) furnish the ***Aadhaar card, email ID/present address of his residence*** to the Investigating Officer and also to the Court at the time of execution of the bond and shall not change the ***residence/ contact number*** without prior permission of Trial Court;

(g) not to indulge in any illegal activity failing which learned trial Court shall issue warrant and cancel the bail of the applicant.

[9.0] 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 Judge concerned will be free to issue warrant or take appropriate action in the matter.

[10.0] 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.

[11.0] At the trial, the trial Court shall not be influenced by the observations of preliminary nature qua the evidence at this stage made by this Court while enlarging the applicant on bail.

[12.0] Rule is made absolute to the aforesaid extent. Direct service is permitted.

(HASMUKH D. SUTHAR,J)

SUCHIT