

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CRIMINAL MISC.APPLICATION (FOR REGULAR BAIL - AFTER CHARGESHEET) NO. 13853 of 2026**

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JAYPAL S/O RAMESH LALA MORE

Versus

STATE OF GUJARAT

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Appearance:

MR AKASH K CHHAYA(9287) for the Applicant(s) No. 1

MR AKSHAYKUMAR N.SHRIMALIBHOI(14088) for the Applicant(s) No. 1

MR ADITYA JADEJA, APP for the Respondent(s) No. 1

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CORAM:HONOURABLE MR. JUSTICE HASMUKH D. SUTHAR

Date : 08/07/2026**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.11189010250015 of 2025** registered with **Cyber Crime Police Station, Morbi City** for the offences punishable under Sections 318, 336(1), 336(3), 338, 340(2), 61(2) and 3(5) of the Bharatiya Nyaya Sanhita, 2023 (for short "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 applicant is innocent and has been falsely implicated in the offence and now nothing is required to be recovered or discovered. He has further submitted that the present FIR is filed after a delay of 4 years 11 months and 26 days and since the date of his arrest, he is in custody. Further, investigation is over and charge-sheet is already filed and nothing is required to be recovered or discovered from the present applicant. The allegation against the applicant is that the applicant in collusion and connivance with other co-

accused created fake digital signatures of the company/firm of the complainant and witnesses and thereafter, registered Import Exporter Code user in the Government ICEGATE (Indian Customs Electronic Data Interchange Gateway) website on the basis of fake G-mail, fake mobile number, and transferred the duty drawback amount obtained in the scrip to his firm namely "M.J. Enterprise" and thereafter got registered Import Exporter Code user in the said website without the knowledge of the complainant and witnesses in the IEC of the firm/company named "MJ ENTERPRISE" of the present applicant and thereby total 14 Road Tape Scrips worth Rs.40,15,944/- were deposited which have been transferred/caused to be transferred from the user IEC namely "MJ ENTERPRISE" to another IEC. It is further alleged that for the said act, the applicant herein has received commission. He has submitted that except this, there is no any other allegation against the applicant and even otherwise commencement and conclusion of trial will take its own time. 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 on the ground that applicant is involved in economic offence and similar nature of two complaints have are registered against the applicant at Haryana and Rajasthan. He has further submitted that the present applicant in collusion and connivance of co-accused as complainant and other witnesses used to export ceramic goods under the scheme of Union of India namely "Remission of Duties and Taxes on Exported Products (RoDTEP) Scheme to promote the export business and on the website namely Indian Customs Electronic Data Interchange Gateway (ICEGATE), amount of import export credit (IEC) of relevant firms being credited and subsequently coupon code is generated and concerned firms used the said script to get the credit of said script. The accused persons have forged the fake digital signature and email of the concerned firm connecting with the forged mobile numbers got credited 202 road tape

scripts and thus, the applicant and other accused have committed the offence of cheating and in this regard, the offence is registered. He has submitted that other co-accused are yet to be arrested and therefore, if the applicant is released on bail, possibility of tampering with evidence cannot be ruled out. Hence, he has requested to dismiss the present application for regular bail looking to the nature and gravity of the offence.

[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. The allegation against the applicant as per the case of prosecution is that in connivance with co-accused, firm namely M.J. Enterprise and received the import export credit which was credited through ICEGATE portal and got transferred the said script towards import duties by forging the documents. It appears that the alleged incident took place in the year 2021 wherein three proprietors' name and ID proof were forged by the co-accused for receiving the said credit. Using the said mule account maintained by the present applicant, total 14 Road Tape Scripts worth Rs.40,15,944/- were deposited which have been transferred subsequently and this act was facilitated by the present

applicant for which the applicant has received the commission. Thus, role of applicant is revealed in the second layer and except this, no any role is attributed to the present applicant and no any document or digital signature has been forged by the present applicant. Even, during the course of hearing, Police Inspector Mr. K.K. Darbar, Cyber Crime Police Station, Morbi has also submitted that except using the mule account and receiving the commission, no role is attributed to the present applicant. Based on the said statement and very limited role on the part of present applicant, present application deserves consideration. This Court has also considered the following aspects:

- (1) Investigation is over and charge-sheet is filed;
- (2) None of the offence alleged is punishable with life sentence or death penalty and is triable by the Court of Magistrate;
- (3) Applicant is behind the bars since 20.02.2026;
- (4) There is nothing to be recovered or discovered from the applicant;
- (5) The applicant is having two past antecedents, one at Haryana and one at Rajasthan however, the applicant has been released on bail in both the offences;
- (6) Even, the prosecution has failed to point out any circumstance requiring further incarceration of the present applicant;
- (7) Obviously commencement and conclusion of trial will take some time.

[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.11189010250015 of 2025** registered with **Cyber Crime Police Station, Morbi 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 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 a month for a period of six months between 11.00 a.m. and 2.00 p.m.;
- (f) furnish the UIDAI Number, Contact Number/s, Passport Number (if he is having the passport), E-mail address and 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 without prior permission of Trial Court;

- (h) not to indulge in any illegal activity or any similar type of offence failing which concerned Investigating Officer shall have liberty to file an application for cancellation of bail against the present 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.)

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