

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/CRIMINAL MISC.APPLICATION (FOR REGULAR BAIL - AFTER
CHARGESHEET) NO. 14969 of 2026**

=====

MINAL @ MINU D/O MAHESHBHAI GOVINDBHAI CHAUDHARY
Versus
STATE OF GUJARAT

=====

Appearance:

MR SULAIMAN I LABBAI(11342) for the Applicant(s) No. 1
MR. KADHIRAVAN D. MUDALIAR(19074) for the Applicant(s) No. 1
MS VRUNDA SHAH, APP for the Respondent(s) No. 1

=====

CORAM:HONOURABLE MR. JUSTICE HASMUKH D. SUTHAR

**Date : 22/07/2026
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 Nyaya Suraksha Sanhita, 2023 (for short "BNSS") for regular bail in connection with FIR being **CR-No.11187012250012 OF 2025 registered with Cyer Crime Police Station, Mahisagar** for the offences punishable under Sections 318(4), 351(3), 319(2), 336(3), 61 and 54 of the BNS and Sections 66-C and 66-D of the IT Act.

[3.0] Learned advocate appearing on behalf of the applicant submits that applicant is innocent and she has been falsely implicated in the offence. 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 has opposed the application on the ground that applicant is involved in the offence. Hence, she 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 her 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. In present case, the investigation is over. Following aspects have been considered:

1. commencement of trial will take its own time;
2. investigation is over and charge-sheet is filed;
3. The present applicant is arraigned as an accused No.4 during the investigation.
4. Now nothing is required to be recovered and discovered from the accused;
5. present applicant is 32 years old lady;
6. The allegation against the present applicant is that she, along with accused Nos. 2 and 3, opened a bank account in the name of Hari Traders. It is alleged that Hari Traders was a fictitious firm and that the said account was opened as a mule account for the purpose of transferring the proceeds of cyber fraud. Co-accused Yogesh allegedly received an amount of ₹45,000/-, out of which ₹5,000/- was paid to the present applicant as commission, while the remaining ₹40,000/- was transferred to co-accused Rajendra alias Mamaji. The role attributed to the present applicant is that she facilitated the opening of the account in the name of Hari Traders, which was subsequently used for transferring the

proceeds of cyber fraud. It is further alleged that 41 complaints have been registered in connection with the said mule account. Considering the role attributed to the present applicant, it is alleged only that she facilitated the opening of the mule account, which was thereafter used in the commission of cyber fraud. However, no money trail has been found connecting the present applicant to the alleged proceeds of crime;

7. Applicant is not named in the FIR;

8. applicant is arrested on 08.02.2026;

9. It appears that prosecution has failed to show or indicate any circumstances to prolong incarceration and detention of the accused. Therefore, no purpose would be served to continue the incarceration of the applicants;

[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 **CR-No.11187012250012 OF 2025 registered with Cyer Crime Police Station, Mahisagar**, on executing a personal bond of Rs.25,000/- (Rupees Twenty-

five Thousand only) with one local surety of the like amount to the satisfaction of the trial Court and subject to the conditions that 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 territory of India without prior permission of the Trial Court concerned;*
- (e) mark presence before the concerned Police Station once in a month between 11.00 a.m. and 2.00 p.m. for six months;
- (f) *furnish the UIDAI Number, Contact Number/s, Passport Number (if she is having the passport), E-mail address and present address of her 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;*
- (g) *not indulge in any illegal activity, if the applicant is found to be indulged in any illegal activities in future, the trial Court concerned will be free to issue warrant and cancel the bail granted to the applicant;*

[9.0] The authorities will release the applicant only if she 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.

KUMAR ALOK

(HASMUKH D. SUTHAR,J)