IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/CRIMINAL MISC.APPLICATION (FOR REGULAR BAIL - AFTER CHARGESHEET) NO. 15813 of 2026

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PIYUSHBHAI KANTIBHAI PATEL
Versus
STATE OF GUJARAT

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Appearance:
MR. BHAUMIK P PATEL(7510) for the Applicant(s) No. 1
MR. JITESH K RATHOD(19068) for the Applicant(s) No. 1
MS SHRUTI PATHAK, APP for the Respondent(s) No. 1

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

Date : 13/07/2026

ORDER

1) RULE. Learned APP waives service of rule for the respondent-State.

2) 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. 11206033250773 of 2025 registered with Unjha Police Station, Mehsana,** for the offences under Sections 317(4), 318(4) and 54 of BNS.

3) 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. Co-accused having similarly situated role is enlarged on bail and therefore, on the ground of parity, applicant may be released on bail. Whatever the allegation of money trail or withdrawal of amount is against accused No.1. He therefore submits that, considering the nature of the offence, the applicants may be enlarged on regular bail by imposing suitable conditions.

4) Learned APP appearing on behalf of the respondent-State has opposed the present application and prayed for its dismissal, contending that the applicant is involved in a serious offence, which is not merely against an individual but against the State and society at large. It is submitted that the investigation is still in progress and that the applicant is the kingpin of the entire scam. It is further submitted that the applicant, in collusion with the other co-accused, operated a fraudulent company, namely *Subhash Traders*, and maintained a bank account with Canara Bank. The amounts defrauded from innocent victims were transferred into the said bank account, and a total sum of ₹24,14,12,763/- was credited thereto. The said amount was subsequently withdrawn by accused Subhashkumar Bharatbhai Raval through cheques. It is further contended that Accused No. 3 is still absconding, and sufficient material has been collected during the course of the investigation to establish the involvement of the present applicant. The statement of the concerned bank officer has also been recorded, and it has been revealed that the cheques used for withdrawal of the amount bear the signature of the present applicant. It is further contended that the mere filing of the charge-sheet cannot be a ground for the grant of bail and that, if released on bail, there is every likelihood of the applicant tampering with the evidence and influencing the witnesses. Therefore, it is prayed that the present application be dismissed.

5) Having heard the learned advocates appearing for the respective parties and having perused the material placed on record, it appears that the complaint has been lodged by the police. The investigation reveals that the applicant, along with the co-accused, maintained a bank account with Canara Bank in the name of *Subhash Traders*, ostensibly for carrying on business with the Agricultural Produce Market Committee (APMC), Unava. However, no genuine business

activities were carried out through the said account, and it was allegedly used as a mule account for routing the proceeds of cyber fraud. During the course of the investigation, it was found that between 27.05.2024 and 10.12.2025, a total amount of Rs.24,14,12,763/- was credited into the said bank account, out of which Rs.24,13,59,175/- was withdrawn. The investigation further reveals that the present applicant himself withdrew an amount of Rs.7,52,163/- through cheques. The allegations in the complaint disclose that the present applicant and absconding Accused No. 3 are the kingpins of the entire scam and, by using Accused No. 1 as a pawn, opened the aforesaid bank account with Canara Bank and carried out numerous financial transactions through the same. It is further alleged that, in consideration thereof, the applicant and the absconding accused used to pay Accused No. 1 an amount of Rs.4,000/- per month as rent for the use of the said bank account. According to the prosecution, several innocent persons were cheated through these transactions. Considering the nature of the allegations and the conduct attributed to the applicant, this Court is of the prima facie opinion that, if released on bail, there is every likelihood of the applicant influencing witnesses, particularly when one of the principal co-accused is still absconding. It further appears that, upon verification of the NCCRP Portal, as many as 24 complaints have been registered in connection with the transactions, and the complete money trail is yet to be unearthed. The material collected during the investigation, at this stage, prima facie indicates that the applicant has played an active and significant role in the commission of the alleged offence. The investigation also reveals that the absconding accused, Jugalkishor Sharma, a resident of Rajasthan, had carried out financial transactions through the bank account of Accused No. 1. The allegations further disclose the commission of offences involving criminal conspiracy and abetment. It is well settled that, in cases involving criminal conspiracy, direct evidence is seldom available, and the existence of such conspiracy is required to be inferred from the surrounding circumstances and the conduct of the accused. At this stage, the material placed on record is sufficient to prima facie indicate the existence of such conspiracy.

6) It is needless to say that in cases of conspiracy, direct evidence is hardly available. Considering the societal and larger interest, as well as the nature of the economic offense, if the applicant is released on bail, it could adversely affect the investigation with respect to the other accused. There is also a possibility of tampering with evidence. In conspiracy cases, the Court must infer the role of the accused based on attending circumstances and other facts or evidence led by the prosecution.

7) Now coming to the aspect of parity. Learned counsel for the applicant has submitted that accused No.1 is released on bail and therefore, present applicant may be enlarged on regular bail. It is important to note that while releasing accused No.1 on bail, coordinate Bench of this Court has observed that present applicant and accused No.3 Jigneshkumar got the account opened by the accused No.1 in Canara Bank for which a monthly rent of Rs.4000/- was paid to accused No.1. Further, said account was used for deposit of cyber fraud amounts and in all, Rs.24,14,12,763/- were deposited in th is account, which came to be withdrawn by way of bearer cheque and the said amount was thereafter handed over to present applicant. Therefore, it clearly establishes that the applicant was managed and in control of the said account opened in the name of accused No.1 and upon deposit money in the said account, the applicant withdrawn the same by using bearer cheque. Only role played by the accused No.1 is to provide bank account to the applicant and accused No.3 and received Rs.4,000/- rent per month. Therefore, there is vast difference between the role of accused No.1

and present applicant. However, considering the submissions made by the learned advocate for the respective parties and the fact and specific stand taken by the applicant to extend the benefit of parity as the co-accused is released on regular bail. Hence, this Court has considered the material collect during the course of investigation with a view to examine the applicability of parity. The reference is required to be made in a cases of **Tarun Kumar Vs. Asst. Director, Directorate of Enforcement, 2023 INSC 1006 and Ramesh Bhavan Rathod vs. Vishanbhai Hirabhai Makwana**, reported in **AIR 2021 SC 221**, wherein, the Hon'ble Apex Court held that when deciding a bail application and extending the benefit of parity, the Court has to examine the exact role attributed to the accused. If the accused played a similar role, then the Court should extend the benefit of parity. Merely some words or any observation made in the order are not enough, such approach is erroneous and inappropriate for considering the benefit of parity. Since the co-accused has been released on regular bail and the role of the present applicant is distinct and more serious, the applicant is not entitled to claim parity.

8) It is difficult to unearth the large-scale scam, identify the syndicate, and ascertain the modus operandi if the accused is released on bail. Granting bail at this stage would amount to giving protection and leeway to persons involved in unethical and immoral activities. Due to the acts of the accused persons, the faith of the Government, the public, and recruitment agencies has been shaken. Public confidence in the system would be undermined. Considering the seriousness and sensitivity of the matter, release of the accused on bail would send a wrong message to society and may hamper the investigation as well as lead to tampering with the evidence, thereby giving undue advantage to the wrongdoers.

9) In the aforesaid background, serious economic offences are disclosed and the involvement of the accused is established. Since the offence is in the nature of a white-collar and socio-economic offence, this Court is not inclined to grant bail to the accused. The offence appears to have been committed in a well-planned and systematic manner. It is not merely an offence against an individual, but one affecting society at large and public welfare. Therefore, a delicate balance is required to be maintained between the personal liberty of the accused and the larger societal interest.

10) The applicant is involved in a white-collar economic offence. Economic offences are generally committed with careful planning and deliberate design for personal gain, without regard to the consequences on society. In such offences, the accused persons show complete disregard for the interest of the community. White-collar crimes adversely affect the national economy and national interest. Such offences, involving deep-rooted conspiracy and huge financial loss, are required to be viewed seriously and examined differently. This is not a case where the applicant has been arraigned merely on the basis of statements of co-accused or suspicion; rather sufficient material has been collected against the applicant during the investigation.

11) Since the co-accused are absconding and custodial interrogation of the said accused is required, if the present applicant is released, the volatile nature of the data, which includes use of dummy accounts and online transactions done, the interest of the prosecution is required to be considered. As the offence in question involves electronic volatile data and financial in nature, this Court deems it appropriate to refer to the judgment passed by the Hon'ble Supreme Court in the case of ***State of Gujarat vs. Mohanlal Jitamalji Porwal & Others reported in (1987) 2 SCC 364***, wherein it has been observed

in paragraph 5 as under in paragraph:

> *"The entire Community is aggrieved if the economic offenders who ruin the economy of the State are not brought to books. A murder may be committed in the heat of moment upon passions being aroused. An economic offence is committed with cool calculation and deliberate design with an eye on personal profit regardless of the consequence to the Community. A disregard for the interest of the Community can be manifested only at the cost of forfeiting the trust and faith of the Community in the system to administer justice in an even handed manner without fear of criticism from the quarters which view white collar crimes with a permissive eye unmindful of the damage done to the National Economy and National Interest."*

12) So far as the arguments advanced by the learned advocate for the applicant that the applicant be released as the charge sheet has been filed is concerned, another important aspect that needs to be considered is that mere filing of a charge sheet is not a sufficient ground to enlarge the accused on bail, as held by the Hon'ble Apex Court in the case of ***Virupakshappa Gouda and Another vs. The State of Karnataka, reported in (2017) 5 SCC 406 and*** **Serious Fraud Investigation Office vs. Aditya Sarda** reported in **2025 INSC 477**. If the applicant is released, the possibility of tampering with evidence cannot be ruled out, especially since the co-accused are absconding, and the volatile nature of the data could affect the integrity of the evidence.

13) Herein, the allegation against the applicant is that the applicant and accused No.3 by opening bank account through accused No.1 carried out numerous banking transactions throughout the country, thereby committed the alleged scam. During the course of investigation, it reveals that total transaction of Rs.24,14,12,763/- was made in the account of accused No.1. Not only that, co-accused is also yet to be arrested and investigation in that regard is still going on. Therefore, if the applicant is released on bail then the possibility of tampering with evidence cannot be ruled as the evidence in the present case is electronic and volatile in nature and therefore, considering the aforesaid facts and keeping in mind the decision of the Hon'ble

Supreme Court in the case of ***Ash Mohammad vs. Shiv Raj Singh alias Lalla Babu and Another reported in (2012) 9 SCC 446,*** wherein it has been held that the concept of liberty is not in the realm of absolutism but is a restricted one and no element in the society can act in a manner by consequence of which the life or liberty of others is jeopardized.

14) The Hon'ble Supreme Court in the case of ***Serious Fraud Investigation Office Vs. Nittin Johari, reported in 2019 (9) SCC 165,*** has held that as under:

> *11. At this juncture, it must be noted that even as per Section 212(7) of the Companies Act, the limitation under Section 212(6) with respect to grant of bail is in addition to those already provided in the Cr.P.C. Thus, it is necessary to advert to the principles governing the grant of bail under section 439 of the Cr.P.C., 1973 Specifically, heed must be paid to the stringent view taken by this Court towards grant of bail with respect of economic offences. In this regard, it is pertinent to refer to the following observations of this Court in* ***Y.S. Jagan Mohan Reddy V. Central Bureau Of Investigation, 2013 7 SCC 439:-***
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>> *"34. Economic offences constitute a class apart and need to be visited with a different approach in the matter of bail. The economic offences having deeprooted conspiracies and involving huge loss of public funds need to be viewed seriously and considered as grave offences affecting the economy of the country as a whole and thereby posing serious threat to the financial health of the country.*
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>> *35. While granting bail, the court has to keep in mind the nature of accusations, the nature of evidence in support thereof, the severity of the punishment which conviction will entail, the character of the accused, circumstances which are peculiar to the accused, reasonable possibility of securing the presence of the accused at the trial, reasonable apprehension of the witnesses being tampered with, the larger interests of the public/State and other similar considerations."*
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>> *This Court has adopted this position in several decisions, including Gautam Kundu v. Directorate of Enforcement (Prevention of Money Laundering Act), Government of India, (2015) 16 SCC 1, and State of Bihar v. Amit Kumar, (2017) 13 SCC 751. Thus, it is evident that the above factors must be taken into account while determining whether bail should be granted in cases involving grave economic offences."*

15) As submitted by learned APP, other co-accused are still absconder and out of reach. At this stage, it would be profitable to refer to the judgments of the Hon'ble Supreme Court in the case of ***Rakesh***

Mittal Vs. Ajay Pal Gupta @ Sonu Chaudhary & Ors, in Leave to Appeal (Cri.) No.19708/2025 dated 17.02.2026, wherein the Hon'ble Supreme Court held as under:-

> *"We may note that the value of life and liberty to members of society is not limited only to their 'person' but would also extend to the quality of their life, including their economic well-being. In offences of a pecuniary nature, where innocent people are cheated of their hard-earned monies by conman, who make it their life's pursuit to exploit and feast upon the gullibility of others, the aforestated factors must necessarily be weighed while dealing with the alleged offenders pleas for grant of bail."*

16) Further, in the case of **CBI vs. V. Vijay Sai Reddy reported in (2013)7 SCC 452**, the Hon'ble Supreme Court observed in paragraph 34 as under:

> *"34. While granting bail, the court has to keep in mind the nature of accusations, the nature of evidence in support thereof, the severity of the punishment which conviction will entail, the character of the accused, circumstances which are peculiar to the accused, reasonable possibility of securing the presence of the accused at the trial, reasonable apprehension of the witnesses being tampered with, the larger interests of the public/State and other similar considerations. It has also to be kept in mind that for the purpose of granting bail, the Legislature has used the words "reasonable grounds for believing" instead of "the evidence" which means the Court dealing with the grant of bail can only satisfy it as to whether there is a genuine case against the accused and that the prosecution will be able to produce prima facie evidence in support of the charge. It is not expected, at this stage, to have the evidence establishing the guilt of the accused beyond reasonable doubt."*

17) For the foregoing observations and reasons, this Court is of considered view that the applicant is involved in whiter-collar economic offence and possibility to invoke other provisions of law as economic offence is there, this Court is not inclined to release the applicants on bail at this stage. Merely offence is triable by JMFC Court and punishable upto 7 years is not a ground to release the accused on bail as economic offence is required to be visited at different class as investigation still going on. Hence, present application does not deserve any consideration. Hence, **dismissed**.

18) It is made clear that the observations made in the present order are tentative in nature. The learned trial Court shall expedite the trial on its own merits, without being influenced by the observations made in this order, and shall conclude the proceedings within **15 weeks** from the date of receipt of this order. The applicant is directed to cooperate with the learned trial Court to cooperate in expeditious trial. The Rule is hereby discharged.

(HASMUKH D. SUTHAR,J)

SUCHIT