

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CRIMINAL MISC.APPLICATION (FOR REGULAR BAIL - AFTER
CHARGESHEET) NO. 15840 of 2026**

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YASH MULCHANDBHAI BHATIYA

Versus

STATE OF GUJARAT

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Appearance:

MR MITESH AMIN, SENIOR ADVOCATE WITH MR SANDEEP R

LIMBANI(5977) for the Applicant(s) No. 1

MR ROHAN RAVAL, APP for the Respondent(s) No. 1

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CORAM:**HONOURABLE MR. JUSTICE HASMUKH D. SUTHAR****Date : 23/07/2026****ORDER**

[1.0] **Leave to amend. 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. 11993016260002 of 2026 registered with Cyber Crime Police Station, Kachchh - East Gandhidham**, for the offences under Sections 316(2), 316(5), 318(4), 340(2), 61(2), 3(5) and 238 of the BNS and Sections 66(c) and 66(d) of the I.T 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 role of the applicant is that, he has only facilitating the co-accused by opening accounts and providing bank Kits to the co-accused Vijay Rana. Mo money trail is found in his bank account. The applicant has not received ill-gotten money in his bank account. Even the co-accused having greater role are granted bail by the Sessions Court/this Court and on the ground of parity also, applicant may be enlarged on bail. 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 and considering the gravity of offence, no case is made out to entertain present bail application. The applicant used to open bank accounts and after obtaining kits and other materials, provided to co-accused Vijay Rana and such accounts are used as mule accounts. Total sum of Rs.182.73 crore has been transferred into total 81 bank accounts and 74 complaints have been registered on NCCRP Portal. Co-accused happens to be friend of the present applicant and therefore, the applicant and other co-accused are in connivance with each other committed offence of cyber fraud. Further, the applicant is having past antecedent and if he is released on bail, possibility cannot be ruled out that the applicant will flee from justice. 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 17.02.2026;
- (3) There is nothing to be recovered or discovered from the applicant;
- (4) Offence is triable by JMFC Court;
- (5) Though the applicant is having past antecedent, he is presumed to be innocent till proven guilty;
- (6) Co-accused having similarly situated role are enlarged on regular bail and therefore, on the ground of parity also (*Rameshbhai Batubhai Dhabhi Vs. State of Gujarat reported in 2011 (3) GLR 1999*), present application deserves consideration.
- (7) Obviously commencement and conclusion of trial will take its own time.
- (8) The role attributed to the applicant is that he opened bank accounts and, after obtaining the bank kits, handed them over to the co-accused Vijay Rana. These accounts were allegedly used as mule accounts. In total, 81 bank accounts were involved, through which, transactions amounting to approximately Rs.182.37 crore were carried out. Except for opening the bank accounts and providing the bank kits, no other role has been attributed to the applicant. No money trail leading to the applicant has been found, nor the applicant is the beneficiary of the alleged transactions. The applicant did not induce or lure any person into opening the accounts or participating in the alleged offence. For facilitating the arrangement, the applicant received a commission of Rs.75,000/- per account and out of which, he paid Rs.10,000/- to the co-accused Hardik. Thus, the applicant's role is confined to facilitating the opening and handing over of the bank accounts in return for commission. The co-accused, Siddharth

Khichadiya, as well as other co-accused persons who are attributed with a greater role in the alleged offence, have already been enlarged on bail.

[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. 11993016260002 of 2026 registered with Cyber Crime Police Station, Kachchh - East Gandhidham** 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