

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

**R/CRIMINAL MISC.APPLICATION (FOR SUCCESSIVE REGULAR
BAIL - AFTER CHARGESHEET) NO. 22324 of 2026**

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KALPESHBHAI RAJESHBHAI CHUNILAL JINJUWADIA SONI

Versus

STATE OF GUJARAT

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Appearance:

MR YATIN SONI(868) for the Applicant(s) No. 1

MS MARIYA M DALAL(3957) 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 : 29/09/2026

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.11191011260172 of 2026** registered with **DCB Police Station, Ahmedabad City**, for the offences under Sections 317(2), 318(3) and 61(2) of the Bharatiya Nyaya Sanhita.
- 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 is in custody since 18.06.2026. The offence is triable by learned JMFC and maximum punishment is of 3 to 7 years. He has further submitted that the police is not going to arrest the co-accused and in anticipatory bail of the co-accused the Court has passed direction to not take any coercive steps. The applicant has no past antecedents. The prosecution has cited 187 witnesses and the trial

will take its own time. The role attributed to the applicant is that he is broker and agent and working as an employee of the alleged company and he used to open bank accounts and getting the salary of Rs.30,000/- per month. Except this limited role no other role is attributed to the applicant. He has further submitted that the case is based on documentary evidence which are already been collected by the Investigating Officer and forms part of the charge-sheet. He has further submitted that similarly situated co-accused has already been granted interim relief and therefore, the applicant be enlarged on bail by extending benefit of parity as co-accused Pankaj is released on bail by this Court. Therefore, considering the legal principle bail is the rule, jail is the exception, he has requested to allow the present application.

- 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. The applicant is not an employee and the case is not as simple as argued by the learned Advocate for the applicant. The applicant along with co-accused used to commit cyber fraud offences in very systematic manner. As per the statements of the complainant and witnesses, during 2014 to June 2016 in total, fraud of Rs.415,11,61,413/- have been noticed and still further investigation is underway. Not only that considering the complexity of cyber fraud a panel of Chartered Accountant is appointed and further investigation is going on hence possibility cannot be ruled out to escalate fraud amount. The applicant along with the co-accused in shop nos.10 and 11 of Ajanta Complex, with a view to commit cyber fraud and economic offence, under the pretext of offering a loan schemes, lured people and during the raid various cheque books, passbooks, ATM Cards, SIM Cards and unaccounted money have been found from the conscious possession of the

applicant. The applicant is claiming parity with the co-accused Pankaj but the role of the applicant is different compared to the co-accused Pankaj who is the employee, whereas, the applicant is the master of co-accused Pankaj. Further, if the applicant is released on bail, there is every likelihood of the applicant tampering with the evidence and influencing witnesses, therefore, present application is required to be dismissed.

- 5) Having heard the learned advocates for the respective parties and having gone through the evidence produced on record, it appears that the applicant is named in the FIR and along with the co-accused systematically committed cyber fraud offences. The applicant has opened 142 bank accounts and engaged employee to procure documents and to open mule accounts. Even other bank accounts of firms and companies were also opened without the knowledge of concerned Directors or Proprietors i.e. **1) Patidar Traders, 2) Ganesh Enterprise, 3) Shree Gayatri Enterprise, 4) Global Trading, 5) Mahakali Enterprise, 6) Aman Enterprise, 7) Shubh Enterprise, 8) Scravin Fin Trade Pvt. Ltd., 9) NJPN Trade Pvt. Ltd., 10) Final Selection Trade Pvt. Ltd., 11) Resilient Technology Pvt. Ltd., 12) Attractive Choice Pvt. Ltd.,** etc., in total 14 fictitious firms were registered and using 142 bank accounts transactions of fraud amount of **Rs.415,11,61,413/-** have been made during May 2014 to June 2026. Even a panel of Chartered Accountants has been appointed based on the large scale scam and complexity of the cyber fraud and further investigation is going on to investigate the money trail. The other co-accused are either still on run or yet to be arrested. If the applicant is released on bail there is every possibility that the applicant will tamper with the evidence which is volatile in nature. During the raid the Investigating Officer has recovered various incriminating materials including cheque books, passbooks, ATM Cards, SIM Cards and unaccounted cash from the conscious possession of the applicant and applicant is also facing allegation of

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) 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.
- 8) 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.

- 9) 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.
- 10) 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."

- 11) 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**. 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.
- 12) So far as argument canvassed by the learned advocate for the applicant that applicant is entitled to the benefit of parity with co-accused Pankaj is concerned, his role was lesser than the present applicant as co-accused Pankaj was acting at the behest of present applicant and other co-accused, who were master of Pankaj. In this regard, It would be apposite to refer to the decision of the Hon'ble Apex Court in case of **Ramesh Bhavan Rathod vs. Vishanbhai Hirabhai Makwana Makwana (Koli) & Anr.** reported in **LL 2021 SC 221; Tarun Kumar vs. Assistant Director Directorate of Enforcement reported in 2023 SCC OnLine SC 1486** and decision of the Hon'ble Supreme Court in the case of **Sagar vs. State of U.P. reported in 2025 INSC 1370**. Applicant is not entitled to get benefit of parity considering that his role and involvement in the offence is graver or on higher footing. Hence, arguments canvassed by the learned Advocate for the applicant is not acceptable.
- 13) So far as another argument that the co-accused are not arrested is concerned, merely co-accused are not arrested is not a ground to grant bail. Further, it is well settled law that mere non-arrest of co-

accused is not a ground for bail as held by the Hon'ble Supreme Court in the case of (i) **Central Bureau of Investigation Vs. Vijay Sai Reddy reported in (2013) 7 SCC 452**; (ii) **D. Venkatasubramaniam vs. M.K. Mohankrishnamachari reported in (2009)10 SCC 488** and (iii) **M.C. Abraham vs. State of Maharashtra reported in (2003)2 SCC 649**.

- 14) Herein, the allegation against the applicant is that the applicant has opened **142 bank accounts** and got registered **14 fictitious firms and Pvt. Ltd. Companies** and facilitated huge financial transactions total amounting to **Rs.415,11,61,413/-** during May 2014 to June 2026 through different accounts. During the course of investigation, the police recovered various incriminating materials including cheque books, passbooks, ATM Cards, SIM Cards and unaccounted cash from the conscious possession of the applicant. Not only that, co-accused are also yet to be arrested and investigation is still going on. Therefore, if the applicant is released on bail then there are all possibility of tampering with evidence cannot be ruled out 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. In view of above, merely offence is punishable upto 7 years is not a ground to consider the bail application more particularly considering the larger public interest and economy of nation.
- 15) 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:-**

"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.

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."

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."

- 16) As submitted by learned APP, further investigation is still under-way and 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."

- 17) For the foregoing reasons, this Court is of view that present is not a fit case to exercise discretion under Section 483 of the BNSS in favour of the applicant. Accordingly, present application does not deserve any consideration and is hereby **dismissed**. However, the learned trial Court is directed to **expedite the trial** as the applicant is an under-trial prisoner. If the applicant fails to engage an Advocate then the applicant shall be provided legal aid under Section 341 of the BNSS for expeditious disposal of the trial in view of the decision of the Hon'ble Supreme Court in the case of **Ummed Devi vs. The State of Rajasthan and Anr. [2026 INSC 931]**. The applicant is directed to cooperate with the learned trial Court in expeditious disposal of the trial.
- 18) It is made clear that the observations made in the present order are tentative in nature and the learned trial Court shall decide the case of the applicant independently on its own merits without being influenced by the observations made in the present order. Rule is hereby discharged.

(HASMUKH D. SUTHAR,J)

ANKIT JANSARI

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: ANKIT YOGESHBHAI JANSARI(HCW0109), ENGLISH STENOGRAPHER GRADE ONE, at High Court of Gujarat on 29/09/2026 18:24:36