IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/CRIMINAL MISC.APPLICATION (FOR REGULAR BAIL - AFTER CHARGESHEET) NO. 19663 of 2026

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ANKIT @ AKSHIT @ RAJ @ ROCKY PATEL SHAMBHUBHAI @ ASHOK PATEL

Versus

STATE OF GUJARAT

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Appearance:
MS KRUTI M SHAH with MR JAY N SHAH(10668) for the Applicant
MR HARDIK MEHTA, APP for the Respondent(s) No. 1

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

Date : 08/10/2026

ORDER

[1.0] **RULE**. Learned APP waives service of notice of Rule for the respondent – State.

[2.0] The present bail application is filed under Section 483 of the Bharatiya Nyaya Suraksha Sanhita, 2023 (for short "BNSS") for Regular Bail in connection with FIR being **C.R. No.11210066260138 of 2026** registered with **Pal Police Station, District Surat** for the offence punishable under Sections 318(4), 336(3), 338, 340(2), 61, 3(5) and 316(5) of the Bharatiya Nyaya Sanhita, 2023 (for short "BNS") and section 66D of the Information Technology Act, 2000 (for short "IT Act").

[3.0] Learned advocate Ms. Kruti M. Shah appearing through virtual mode on behalf of the applicant submits that applicant is innocent young man aged 25 years and has been falsely implicated in the offence and he has nothing to do with the offence. Further, in the present case, investigation is over and charge-sheet is filed and nothing is required to be recovered or discovered from the present applicant. She has further submitted that the applicant is behind the bars since 23.03.2026. Further, she has submitted

that for the offence which took place during the period from February, 2025 to 14.07.2025 for which the FIR is filed belatedly on 21.03.2026. She has further submitted that the applicant has not forged any document or has not committed any offence of forgery and whatever allegations made are against co-accused Rohan Sureshbhai Patel, who is on run and yet to be arrested. She has also argued that co-accused Varunbhai Rajubhai Parmar is enlarged on bail by the learned Sessions Judge and therefore, she has requested to extend the benefit of parity. Further, there is no any evidence collected by the investigating agency which shows money trail in the account of the present applicant and present applicant has not received any amount in his account. She has submitted that offences alleged are punishable with imprisonment upto 7 years and are Magistrate triable and therefore, looking to the age of the applicant and quantum of punishment for the offences alleged and considering the fact that applicant is a law abiding citizen and would not misuse the liberty and run away, she has requested to allow the present application.

[4.0] Learned APP appearing on behalf of the respondent – State of Gujarat has vehemently opposed the present application by submitting that the applicant is the mastermind of the offence and has played smart and by concealing his identity and based on numerous names, he has committed the alleged offence. Not only that, applicant has received the money through private channel i.e. courier for his financial gain under the pretext of getting secure Visa and work permit of Canada, Albania and Finland for the victims / witnesses, by portraying himself as agent and through different mobile numbers and social media platform, applicant has contacted various victims and obtained commission and sent the same to Delhi through Angadia firm and thus defrauded many people for an amount of more than **Rs.2,87,51,410/-**. Thus, *prima facie* involvement of the applicant is revealed and two of the co-accused are yet to be arrested and

he has submitted that if the applicant is released then the possibility of tampering with evidence cannot be ruled out. Further, the applicant has not only received the money but has also issued forged visa documents of Albania.

[4.1] He has further submitted that number of witnesses have come forward and made serious allegations against the applicant which have been supported by the material collected during investigation. Further, the applicant is having four similar nature of past antecedent and therefore, if the applicant is released on bail then the possibility of indulging in similar type of offence as well as tampering with evidence cannot be ruled out. He has also argued that applicant has used google link and different IP addresses from which it is found that using three different mobile phones, applicant has received the money of fraud and has also issued forged Visa documents for which he has received money and present applicant is found in contact with two co-accused namely Rohan and Zakir @ Chaudhary, who are yet to be arrested. He has further argued that 16 witnesses have been duped and therefore, he has requested not to exercise the discretion in favor of the applicant.

[4.2] So far as argument canvassed by the learned advocate for the applicant as regards extending benefit of parity is concerned, he has submitted that role played by the present applicant is graver than the co-accused Varun who has been considered by the learned Sessions Judge and even otherwise the learned Sessions Judge has released the said co-accused Varun without properly considering the material on record and therefore, he has submitted that the applicant's role cannot be equated with the said co-accused Varun and applicant cannot be extended the benefit of parity. He has further submitted that offence of forgery under section 316(5) of the BNS is punishable with imprisonment of life. Hence, even considering

the quantum of sentence, he has requested to dismiss the present application.

[5.0] Having heard learned advocate appearing for the respective parties and perusing the investigation papers, it appears that the applicant for his personal gain, has committed the alleged offence of financial fraud under the pretext of processing fees for securing visa and work permit of Canada, Albania and Finland for which the applicant contacted through social media by identifying himself as agent and talked with various witnesses / victims and obtained commission and sent the money to Delhi through Angadia i.e. private channel. Further, during investigation, chits from Angadia firm have been recovered which suggests transfer of amount and even statements of Angadia personnel have been recorded. Hence, it appears that money is received by the applicant through private channel and hence, question does not arise to find money trail in the account of the applicant. This clearly shows the smart play on the part of the applicant. Further, 16 witnesses have come forward and stated that 23 clients were initially given work of Visa and through PM Enterprise, towards the fee for the said work, Rs.39.5 lakh have been received and further transferred to Delhi through private channel i.e. Angadia firm.

[5.1] Further, the applicant has also forged the Visa of Albania embassy and in this regard, Albania Embassy has opined that the said visa is fake one and under the pretext of such forged Visa, applicant has received the money from witnesses and in total 16 witnesses have been duped and from them, amounts totaling to Rs.2,87,51,410/- have been received which has been further transferred to Delhi through private channel i.e. Angadia. Further, google link and account device login on the part of the applicant is found and three other mobile numbers are also found and it appears that applicant was in constant contact of co-accused Rohan and Zakir, who are

yet to be arrested and are on run. Considering common IP address of three similar accused persons and official email address, it reveals that applicant has acted in consultation with the said co-accused. Not only that, present applicant in order to conceal his identify, is using several names viz. **Ankit @ Aksi @ Raj @ Rocky Patel @ Ashok Patel** and applicant is found at different locations and keep on changing whereabouts and based on technical surveillance, applicant is identified and thereafter arrested.

[5.2] So far as argument canvassed by the learned advocate for the applicant that applicant is entitled to benefit of parity since co-accused having similar role has been enlarged by the learned Sessions Judge is concerned, role played by the present applicant is graver than the co-accused Varun who has been considered by the learned Sessions Judge and even otherwise the learned Sessions Judge has released the said co-accused Varun without properly considering the material on record and therefore, applicant's role cannot be equated with the said co-accused Varun and applicant cannot be extended the benefit of parity. 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 recent decision of the Hon'ble Supreme Court in the case of **Sagar vs. State of U.P.** reported in **2025 INSC 1370**.

[5.3] Further, statement of witnesses have been recorded who have received money through private channel by providing code word / token issued by the present applicant. Thus, money trail and money transaction is established by collecting sufficient evidence. Further, mobile chatting for passport, visa and work permit through witnesses have been collected during the investigation. It also needs to be noted that initially the FIR was lodged for the offences punishable under Sections 318(4), 336(3), 338, 340(2) of the BNS however, during investigation, report was submitted for

addition of sections 61, 3(5) and 316(5) of the BNS. Section 316(5) of the BNS is punishable with life imprisonment and therefore also, present applicant being engaged in serious white collar offence, does not deserve any relief from this Court more particularly considering the fact that co-accused are yet to be arrested and investigation is still going on and therefore, if the applicant is released on bail, possibility of tampering with evidence cannot be ruled out.

[5.4] Further, the present applicant-accused is involved in white collar socio-economic offence which constitute a class apart and needs to be visited with a different approach. The economic offences adversely affect the economic and social fabric of the country. At this stage, reference is required to be made to the decision of Hon'ble Apex 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."*

Even subsequently, the Hon'ble Supreme Court held that economic offences constitute an altogether distinct class of offences. That being so, in spite of the salutary doctrine of *"bail is the rule and jail is an exception"*, matters of bail in cases involving socioeconomic offences have to be visited with a different approach as held in the case of **State of Bihar & Anr. vs Amit Kumar** reported in **(2017)13 SCC 751** and in the case of **Y.S. Jagan Mohan Reddy vs CBI** reported in **(2013)7 SCC 439**. The economic offence

having deep rooted conspiracies and involving huge loss of public funds needs 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. Further, on the aspect of bail in cases involving socio-economic offences, differential treatment in consideration unlike conventional crimes. A reference is required to be made to the cases of **Nimmagadda Prasad vs. CBI** reported in **(2013)7 SCC 466; Rohit Tandon vs. Directorate of Enforcement** reported in **(2018)11 SCC 46** and **Serious Fraud Investigation Officer vs. Nitin Johari** reported in **(2019)9 SCC 165.**

[5.5] One more aspect which is also required to be considered is that statutory investigation period under the BNSS is yet to be over and so far concept of the bail is concerned, purpose of the bail is not a punitive but a preventive. While granting bail, the Court has to take care of the availability of the accused at the time of trial and second important aspect is that possibility of the tampering with an evidence of the prosecution. Further, while granting bail, the Court has to satisfy itself about the interest of prosecution. One of the criteria which is required to be considered while considering bail is interest of prosecution witnesses. This Court is of the considered opinion that if the present accused is enlarged on bail, the possibility of accused misusing his liberty and tampering with evidence of prosecution and flight risk cannot be ruled out. At this stage, it would be apposite to refer to 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.**

[5.6] The Hon'ble Apex Court has time and again 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. Needless to emphasize, the sacrosanctity of liberty is paramount in a civilized society. However, in a democratic body

polity which is wedded to the rule of law an individual is expected to grow within the social restrictions sanctioned by law. The individual liberty is restricted by larger social interest and its deprivation must have due sanction of law. In an orderly society an individual is expected to live with dignity having respect for law and also giving due respect to others' rights. It is a well-accepted principle that the concept of liberty is not in the realm of absolutism-but is a restricted one.

[6.0] 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, learned trial Court is directed to expedite the trial and applicant shall cooperate in the same. If the applicant fails to continue or 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]**.

[7.0] 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.)

Ajay

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: AJAY CHANDRAN MENON(HC00939), PRINCIPAL PRIVATE SECRETARY, at High Court of Gujarat on 08/10/2026 18:42:18