IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/CRIMINAL MISC.APPLICATION (FOR REGULAR BAIL - AFTER CHARGESHEET) NO. 21420 of 2026

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DHARMIK @ RAJU DESAI S/O UMAKANTBHAI DAVE

Versus

STATE OF GUJARAT

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Appearance:
MR MITESH AMIN, SENIOR COUNSEL WITH MR MAUNISH T PATHAK(5892) for the Applicant(s) No. 1
MR HK PATEL, APP for the Respondent(s) No. 1

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

Date : 02/11/2026

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 Nagarik Suraksha Sanhita, 2023 (for short "BNSS") for regular bail in connection with **FIR being C.R.No.11191024251494 of 2025 registered with Ramol Police Station, Ahmedaabd,** for the offences under Sections 317(4), 318(2), 336(2), 336(3), 338, 340(2), 61(2) and 54 of BNS, 2023 and Section 66-D of the IT Act.

[3.0] Learned Senior Counsel assisted by 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 charge-sheet has been filed. Nothing is required to be recovered or discovered. As per the case of the prosecution and the charge-sheet, present applicant has procured the dummy sim cards and subsequently handed over the same to

the co-accused and same came to be used in facilitating the co-accused person in opening the mule accounts. One more allegation against the present applicant is that he has received the rubber stamp which was prepared at the instance of the co-accused. Except the same, no role is attributed to present applicant. 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. Present applicant is one of the conspirator along with the co-accused. In collusion and connivance of the co-accused, fraud of more than Rs.1,483/- crores is committed by the accused persons and the applicant is in active contact of the co-accused. Role of the applicant is that the applicant has provided the dummy sim cards which came to be used to open the mule accounts and the said sim cards have been used for transferring the money. If the applicant 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 learned Senior Counsel assisted by learned advocate for the applicant and learned APP for the respondent-State 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 **25/04/2026;**

(3) There is nothing to be recovered or discovered from the applicant;

(4) As per the affidavit filed by the concerned Investigating Officer namely Mr. P. N. Zinzuvadia, Police Inspector, Odhav Police Station, Ahmedabad City, role attributed to present applicant is only that he has arranged the dummy sim cards and said 17 sim cards he has provided to the co-accused which came to be used to open the mule accounts and the said mule accounts came to be used for Cyber fraud activity. Except providing the dummy sim cards and to receive the delivery or order to prepare the rubber stamp on the name of HK Enterprise angadia firm, no role is attributed to present applicant. Further, while pertinent were imposed to the concerned Investigating Officer about the involvement over

and above except providing the sim cards as to whether any involvement in the alleged activity of Cyber fraud activity or any other objectionable material is collected during the investigation against the present applicant, concerned Investigating Officer failed to explain the said aspect;

(5) The offence is triable by the JMFC;

(6) The applicant has no past antecedents;

(7) Obviously commencement and conclusion of trial will take its own time;

(8) Prosecution has failed to point out the circumstances to continue or prolong his detention.

[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.11191024251494 of 2025 registered with Ramol Police Station, Ahmedaabd,** 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 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)

ILA

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: ILA PRAFULKUMAR PATEL(HC00194), Principal Pvt Secretary, at High Court of Gujarat on 02/11/2026 18:19:40