IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/CRIMINAL MISC.APPLICATION (FOR REGULAR BAIL - AFTER CHARGESHEET) NO. 23876 of 2026

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KRISHNA S/O MADHUKAR VITTHALBHAI PENTA

Versus

STATE OF GUJARAT

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Appearance:
MR MITESH AMIN Senior Advocate assisted by MR MAUNISH T PATHAK(5892) 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 : 08/10/2026

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. 11191007260353 of 2026 registered with Bapunagar Police Station, Ahmedabad,** for the offences under Sections 317(2), 317(4), 61(2) of the BNS and Section 66(D) of the Information Technology (amendment) Act, 2008.

[3.0] Mr. Mitesh Amin, learned Senior Advocate, assisted by Mr. M.T. Pathak, learned advocate appearing for the applicant, submits that the charge-sheet has been filed and nothing is required to be recovered or discovered from the applicant. The applicant is innocent and has been falsely implicated in the offence. He is not directly or indirectly connected with the alleged

offence of cyber fraud. It is submitted that, in the charge-sheet, five police witnesses have been cited and no one has raised any complaint against the present applicant. As per the complaint or the statements of the witnesses, the allegations against the present applicant nowhere reveal that the present applicant is involved in the alleged cyber crime or has siphoned off any amount. The allegation against the present applicant is that he had obtained bank accounts from eight different account holders and, in turn, handed over the said accounts to co-accused Varun Verma. As per the allegation, Varun Verma had instructed the present applicant to find out the accounts and, for each such account, he would pay Rs.3,000/- per month towards commission. It is further alleged that, if the applicant obtained an account from another person and provided the same for use as a mule account, he would receive Rs.7,000/- per account as commission. Except receiving a commission of Rs.7,000/- for providing the mule account and facilitating the account holder to give the account on rent and receiving Rs.3,000/- per month as commission from the concerned account holder, no other role has been attributed to the present applicant. It is further alleged that the present applicant handed over the bank account kits and SIM cards to co-accused Varun. There is no direct involvement of the present applicant in the alleged bank accounts or the alleged cyber fraud. Considering the aforesaid facts, it is submitted that nothing is required to be recovered or discovered from the applicant, the investigation is completed and the charge-sheet has been filed, and the commencement of the trial will take its own time. It is, therefore, requested to allow the present application.

[4.0] Learned APP has vehemently opposed the present application and submitted that the present applicant is involved in a serious fraud, wherein he received documents from poor persons, filled up the forms and managed to open bank accounts, received a commission of Rs.7,000/- for allowing the said accounts to be used as mule accounts, and facilitated the use of the said accounts in ransom call centres, gaming and cyber fraud. It is submitted that transactions amounting to approximately Rs.130 crore have taken place and, out of the said transactions, an amount of Rs.28.15 crore has been transferred to the account of the brother of the present applicant. Considering the aforesaid facts, prima facie involvement of the present applicant is made out and the possibility of the applicant fleeing from justice cannot be ruled out if he is released on bail. It is further submitted that the co-accused is absconding. Learned APP has, therefore, requested to dismiss the present application. It is further submitted that the applicant has four past antecedents.

[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 12.07.2026;

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

(4) It is an admitted fact that the applicant has four past antecedents; however, none of the said antecedents is of similar nature. Three of the past antecedents are registered under the Prohibition Act and one is registered with Ranip Police Station under Sections 323 and 342 of the Indian Penal Code;

(5) The role attributed to the present applicant is that, at the behest of co-accused Varun Verma, he found account holders whose accounts could be used as mule accounts and offered an commission of Rs.3,000/- per month to the

concerned account holders. If the account was allowed to be used as a mule account for depositing fraudulent amounts, the present applicant would receive Rs.7,000/- per month as commission for each such account. The present applicant received the account kits of the said accounts and thereafter handed them over to co-accused Varun Verma. Except for the aforesaid role, no other role has been attributed to the present applicant;

(6) Considering the arguments canvassed by learned APP, as well as the affidavit filed by V.K. Gadhvi, Police Inspector, Bapunagar Police Station, Ahmedabad City, before the Ahmedabad City Civil Court in Criminal Misc. Application No.6973 of 2026, contradictory averments are found. It is alleged that the present applicant had control over and access to the said accounts and that transactions amounting to Rs.132 crore were routed through the said accounts, out of which an amount of Rs.28.15 crore was transferred to the account of the brother of the present applicant but when a pertinent query was put to the concerned Investigating Officer through learned APP to point out whether there was any money trail or any money transaction on behalf of the present applicant or from the account of the present applicant, neither the Investigating Officer nor learned APP could point out any such money trail. The brother of the present applicant is also an accused, and an amount of Rs.28.15 crore was transferred to his account. There is no material or evidence indicating that the present applicant is involved in the alleged cyber

fraud, gaming scam, ransom activities or any other illegal activity, except providing the mule accounts. No other role has been attributed to the present applicant;

(7) Prosecution has failed to point out the circumstances to continue or prolong his incarceration;

(8) Obviously commencement and conclusion of trial will take its own time.

[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.**

11191007260353 of 2026 registered with Bapunagar Police Station, Ahmedabad, 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)

ALI

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: ISTAYAK ALI(HC01093), PRIVATE SECRETARY, at High Court of Gujarat on 08/10/2026 17:52:55