IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/CRIMINAL MISC.APPLICATION (FOR REGULAR BAIL - AFTER CHARGESHEET) NO. 23833 of 2025
With
R/CRIMINAL MISC.APPLICATION NO. 17094 of 2026
With
R/CRIMINAL MISC.APPLICATION NO. 19326 of 2026

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HIRALBA W/O BHURABHAI JADEJA
Versus
STATE OF GUJARAT

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Appearance in CR.MA No.23833/2025:
MR ND NANAVATY, SR. ADVOCATE with MR. TARAL B THAKER(14135) for the Applicant(s) No. 1
MR MUSTAFA S BHARMAL(14257) for the Applicant(s) No. 1
MS SHRUTI PATHAK, APP for the Respondent(s) No. 1

Appearance in CR.MA Nos.17094/2026 and 19326/2026:
MR KURVEN K DESAI (7786) 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 : 30/10/2026

COMMON ORDER

Since all these applications arise out of the same FIR, they are being heard, decided and disposed of by this common order.

[1.0] **RULE.** Learned APP waives service of rule for the respondent-State.

[2.0] Present applications are 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.11218019250002 of 2025** registered with **Cyber Crime Police Station, District Porbandar** for the offences punishable under Sections 411, 413, 420, 120(B), 465, 467, 468 and 471 of the Indian Penal Code, 1860 (for short "IPC") and section 66(d) of the Information Technology Act.

SUBMISSIONS ON BEHALF OF APPLICANT OF CR.MA NO.23833/2025

[3.0] Learned Senior Advocate Mr. N.D. Nanavaty assisted by learned advocate Mr. Taral B. Thaker appearing on behalf of the applicant of CR.MA No.23833/2025 submits that applicant is a lady accused who has been falsely implicated in the offence and now nothing is required to be recovered or discovered since the charge-sheet is filed. Further, the applicant is behind the bars since 09.05.2025 with an allegation that applicant alongwith co-accused hatched criminal conspiracy and lured the victims by opening their bank accounts in different banks and withheld pass-book, cheque book and ATM card of those victims and in the said accounts, money of cyber fraud have been received. It is further the case that accused persons obtained the signature of respective account holders on cheques and withdrawn the said amount or transferred the same. The role attributed to the present applicant is that she called the bank employee to her residence i.e. Suraj Palace, Behind Kadia Plot, Porbandar and opened different accounts with Kotak Mahindra Bank and Central Bank of India and it is alleged that in different 20 bank accounts, giving address of the present applicant, in collusion of the co-accused maintained said bank accounts in deceitful manner and first received the blank cheque-books with the signature and also obtained pass-book and ATM card and it is alleged that present applicant has indulged in cyber fraud activity. It is further the case that in connection of another offence search was carried out and some details of bank accounts and cheque books were found due to which doubtful bank account report was submitted. He has further argued that the present applicant was arrested based on the assumption that from different States across the country cyber fraud amount of more than 90 lakh were received however, there is no money trail or no any direct involvement of the present applicant or no any evidence *qua* forgery or cyber fraud in this regard is found by the investigating agency.

[3.1] Further, he has submitted that prosecution has relied only on the fact that the present applicant used to receive amount of cyber fraud and

thereafter, from different places said amount used to be transferred through private channel i.e. angadia firm. He has also submitted that if the statements of angadia personnel and documents collected during investigation are perused, it reveals that the applicant has nothing to do with the offence. On the contrary, said blank sheet of account of angadia firm does not reveal the name of the present applicant but mentions only the name of person who has send the money and no identity etc. is there. He has submitted that if we accept the said allegation as it is, even though, present applicant has received only Rs.5 lakh through angadia firm and shows the credit of more than 63 lakh. Further, he has submitted that present applicant did not get any account on rent or any mule account which came to be used by the present applicant in commission of the alleged offence. He therefore submits that, considering the nature of the offence, the applicant may be enlarged on regular bail by imposing suitable conditions.

SUBMISSIONS ON BEHALF OF APPLICANT OF CR.MA NOS.17094 AND 19326 OF 2026

[4.0] Learned advocate Mr. Kurven K. Desai appearing for the applicants adopting the submissions made by the learned Senior Advocate Mr. Nanavaty appearing for the applicant of CR.MA No.23833/2025 has further argued that present applicants are arrested merely on an assumption that the applicants are one of the conspirators and have facilitated accused No.1 however, they have nothing to do with any of the four firms wherein alleged amount of cyber fraud has been received. In absence of any witness or victim of the cyber fraud. He has further submitted that present applicants are arraigned only because they were working and connected with accused No.1 and address of residence of accused No.1 is given in the account opening form and applicants were seen in the CCTV footage of ATM Machine while withdrawing the money. He has also argued that from the statements of angadia personnel and document collected during the investigation, names of present applicants is seen however, except this, no

any overt act is attributed to the present applicants. He has therefore, requested to allow the present applications.

SUBMISSIONS ON BEHALF OF RESPONDENT – STATE OF GUJARAT

[5.0] Learned APP appearing on behalf of the respondent-State has submitted written objections on behalf of the respondent – State of Gujarat and relying on the averments taken in the written objections, she has vehemently opposed the present applications on the ground that applicant of CR.MA No.23833 of 2025 is the kingpin and main conspirator and applicants of CR.MA Nos.17094 and 19326 of 2026 namely Parth Songela and Hitesh Odedara have abetted the offence as conspirators. She has further submitted that during the investigation of one Janva Jog Entry No.01/2024, it came to the notice of the Investigating Officer that certain suspicious bank accounts were found to be involved in cybercrime, wherein the details of the same were also found on the NCCRP portal / Samanvay portal and also the trail of the accounts which were utilized in the cyber crime reached, to initially 14 suspicious bank accounts, which were opened in Kotak Mahindra Bank in the names of 14 individuals. Further, initial investigation revealed the involvement of 5 bank accounts in connection with the complaints registered in different States across the country wherein proceeds of cyber crime was obtained fraudulently. She has submitted that present applicants are found involved in cyber fraud complaints registered in 7 different States. The investigation revealed registration of complaints pertaining to cyber crime, whereby illegally the amount was obtained from the different victims through cyber fraud and initially sum of Rs.35,70,000/- received in the Kotak Mahindra Bank accounts which were opened at Porbandar branch of Kotak Mahindra Bank. In all 14 bank accounts which were opened in Kotak Mahindra Bank, Porbandar, reflected that the same were opened in the names of 14 individuals and that the nature of these bank accounts was that of saving bank accounts and the money trail of the proceeds of cyber fraud reached up to these different bank accounts of Kotak Mahindra Bank. Further, the account opening forms,

and KYC documents revealed the same address which belong to applicant – accused Hiralba i.e. Suraj Palace, Behind Kadia Plot, Porbandar and same is mentioned in the cause title of CR.MA No.23833/2025 while co-accused Parth and Hitesh had also opened different bank accounts in Kotak Mahindra Bank in name of different individuals whose bank accounts were utilized for the purpose of transferring the money obtained through cyber fraud. The evidence collected during investigation in the form of statement of witnesses which is part of charge-sheet papers, clearly shows the role of all the accused.

[5.1] She has further submitted that witness Jayesh Dhankecha has stated in his statement dated 14.05.2025 that it is on the say of the present applicant i.e. Hiralba that his bank account was opened and further whenever, the amounts was to be withdrawn, the same was withdrawn by him upon the say of co-accused Hitesh Odedara. This witness has further stated that the kit including the card, cheque book and passbook, was given to co-accused Hitesh Odedara. Similarly, the witness Gopal Dhankecha in whose name also the bank account was opened in Kotak Mahindra Bank has stated in his statement that he had gone with accused Hitesh Odedara for opening the bank accounts and for putting signatures and that, once he had gone to the residence of accused Hiralba where his signatures were obtained on certain documents. Even, other witnesses namely Kamlesh Dasa and Nishant Badh supporting the case of prosecution in line with witnesses Jayesh Dhankecha and Gopal Dhankecha have stated that co-accused Parth Songela went to open the bank account and received the cheque book and bank kits and facilitated accused No.1 Hiralba.

[5.2] She has further submitted that 5 bank officials of Kotak Mahindra Bank have stated about the suspicious bank transactions in these bank accounts and that the accused were in constant touch with the bank and that bank accounts were opened at the behest of the applicant – accused Hiralba and that they had visited the residence of accused Hiralba Jadeja for

the purpose of opening the bank account. She has also argued that applicants – accused namely Hitesh Odedara and Parth Songela including other accused had opened 8 individual bank accounts which came to be used in cyber fraud activity and even, presence of applicants – accused namely Hitesh Odedara and Parth Songela have been noticed in the CCTV footage of ATM machine, when they went to ATM centre for withdrawal of amount. Further, investigation reveals that four fictitious and bogus firms namely (1) Dynamic Enterprise, (2) Amo Enterprise, (3) Clothex Enterprise and (4) Part Wear Enterprise were opened wherein proprietor of two firms are accused Hitesh Odedara and Ajay Chauhan whereas other two are opened in the name of witnesses. In total 123 complaints on NCCR portal have been received in respect of the said firms with respect to cyber fraud which amounted to Rs.79,92,088/-. Considering the whatsapp communication between accused persons coupled with CCTV footage and material and bank statements and statement of witnesses clearly reveal involvement of the present applicants and statement of angadia firm shows that accused Hiralba Jadeja has received the amount through angadia private channel which is sent by co-accused Hitesh Odedara. Considering the aforesaid facts, she has submitted that applicants are involved alongwith co-accused in serious cyber fraud activity and defrauded several victims of their hard earned money and further channelizing it to Dubai. Hence, she has requested to dismiss the present applications for regular bail looking to the nature and gravity of the offence.

[6.0] 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.

[7.0] Having heard the learned Counsel appearing on behalf of the respective parties and perusing the investigation papers as well as the written objections on behalf of the respondent – State of Gujarat, it appears that the accused Hiralba Jadeja played active role in opening the mule accounts and applicants – accused Hitesh Odedara and Parth Songela facilitated the accused No.1 – Hiralba and the accused persons have used the said mule accounts by keeping account kit with them and they have allegedly deposited or transferred the cyber fraud amount and withdrawn the same and subsequently through private channel i.e. angadia firm transferred to applicant – accused No.1 – Hiralba and as per the allegation, applicant Hiralba is the kingpin and she has received the amount of cyber fraud and other two applicants i.e. Hitesh Odedara and Parth Songela have facilitated her as conspirators. It is the case of the prosecution that alleged amount of cyber fraud is received in 14 accounts and out of said 14 accounts, 7 accounts are found to be mule accounts and 5 accounts are in the name of different bogus companies. Further, in current account, 76 lakh deposit is found and further it is alleged that through private channel i.e. angadia firm, applicant Hiralba has received the amount. But, if we peruse the statement which is provided by H.M. Angadia, it nowhere shows specific name of the applicants. If we accept the allegation as it is, in the said account, name of sender is mentioned as Hitesh but no specific identity is disclosed and even though as per the said alleged account, it appears that in the account of the applicant Hiralba, amount is credited however, the said aspect is subject matter of trial. Further, no one has stated about their signatures or any documents being forged or no any material or investigation *qua* source of alleged transactions in different accounts.

[7.1] Further, as per the charge-sheet papers, it appears that the charge-sheet is filed for the offence punishable under Sections 411, 413, 420 read with sections 120(B), 465, 467 and 471 of the IPC read with Section 66(d) of the Information Technology Act. As discussed above, no any material is collected *qua* offence of forgery and no any witness has stated about the forgery. Insofar as offence under Sections 411 and 413 of the IPC are concerned, no any material suggest that present applicants have received stolen property or retained the stolen property dishonestly and under section 413 IPC, reason to believe that the said property is stolen property and dishonestly he / she has dealt with or he / she is habitual in committing such offences. In absence of material *qua* alleged stolen property and when no person or witness has stated that he was induced to deliver or intentionally and dishonestly he is cheated by the present applicants. Section 66(d) of the Information Technology Act provides punishment for cheating by impersonation using the computer resource. Herein, no any material suggests or no any communication device or computer resource being used by the present applicants for cheating or impersonating. Even, considering the punishment provided for all the aforesaid offences and the role attributed to the present applicants, present applications deserve consideration.

[7.2] This Court has also considered the following aspects:

(1) Investigation is over and charge-sheet is filed;

(2) Applicant – Hiralba Jadeja (CR.MA No.23833/2025), who is a lady accused, is arrested on 09.05.2025, applicant - Parth Songela (CR.MA No.17094/2026) is arrested on 07.03.2026, and applicant – Hitesh Odedara (CR.MA No.19326/2026) is arrested on 20.05.2025;

(3) No any witness or no any victim is lured by the present applicants and during investigation of one Janva Jag Entry No.1 of 2024, during search, some cheque books and bank account material was found and

alleged offence is registered tracing out in connection of the said mule account on NCCR portal complaints have been registered;

(4) None of the offence alleged is punishable with life sentence or death penalty and is triable by the Court of Magistrate;

(5) There is nothing to be recovered or discovered from the applicants;

(6) Though the applicants namely Hiralba Jadeja and Parth Songela are having past antecedents, they are presumed to be innocent till proven guilty;

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

(8) In view of decision of Hon'ble Supreme Court in the case of **Mahesh Chandra Joshi vs. State of Rajasthan (2026 INSC 1141)**, wherein the Hon'ble Supreme Court ruled that prolonged pre-trial detention cannot be allowed to become punishment without trial.

[8.0] 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.

[9.0] In the facts and circumstances of the case and considering the nature of the allegations made against the applicants 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 applicants on regular bail.

Hence, the present applications are allowed. The applicants are ordered to be released on regular bail in connection with FIR being **C.R. No.11218019250002 of 2025** registered with **Cyber Crime Police Station, District Porbandar** on executing a personal bond of Rs.25,000/- (Rupees Twenty-five Thousand only) each with **ONE SURETY** of the like amount to the satisfaction of the trial Court and subject to the conditions that they 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 **territory of State of Gujarat** without prior permission of the Trial Court concerned;

(e) **mark presence before the concerned Police Station once in a month for a period of six months between 11.00 a.m. and 2.00 p.m.;**

(f) furnish the ***copy of Aadhaar card, email ID/contact number / permanent and present address of their residence*** to the Investigating Officer and also to the Court at the time of execution of the bond and shall not change the ***residence and contact number/SIM card*** 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.

[10.0] The authorities will release the applicants only if they are 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.

[11.0] 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.

[12.0] 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 applicants on bail.

[13.0] Rule is made absolute to the aforesaid extent. Direct service is permitted.

A copy of this order be placed in Criminal Misc. Application Nos.17094 and 19326 of 2026.

(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 30/10/2026 18:09:12