

IN THE CITY SESSIONS COURT AT AHMEDABAD
CRIMINAL MISC. APPLICATION NO. **2338 OF 2025**

APPLICANT:-	SHEN WEI HAO ALIAS CHRIS
	VERSUS
OPPONENT-	THE STATE
APPEARANCES:-	MR. RONITH JOY, L.A FOR THE APPLICANT
	MR. S.B. BRAHMBHATT, LD. P.P.
SUBJECT:	APPLICATION FOR REGULAR BAIL AFTER FILING OF CHARGE-SHEET

ORDER BELOW EXH.1

1. This is an application filed by the applicant/accused u/s.483 of the B.N.S.S. for releasing him on regular bail in connection with F.I.R bearing C.R. No. Part A - **11191067240113/2024** registered with Cyber Crime Police Station, Ahmedabad city for the offence punishable under sections 61, 204, 316(2), 318(2) of the Bhartiya Nyay Sanhita as well as sections 66(c) and 66(d) of the I.T. Act.
2. The learned advocate for the applicant has submitted that the applicant has not committed any crime. The grounds of arrest are not supplied to the applicant by the investigating officer, this would render the applicant's arrest to be illegal as laid down in Vihaan Kumar v. State of Haryana and Anr. by the Hon'ble Supreme Court. It is further submitted that

investigation is over and chargesheet is filed. It is further submitted that upon perusal of the charge-sheet, the essential ingredients for constituting the crime as alleged in the F.I.R are not made out. It is further submitted that investigation does not highlight the aspect of the applicant's involvement into commission of any kind of fraud and the extent of benefit received by him. The applicant herein is merely an individual employed by a software company involved in remitting cross border payments the setup of which was already provided to him. It is neither the case of the prosecution that the applicant herein has directly or indirectly benefited out of the alleged monetary transfers made on the software nor is there any slightest of indication to the alleged fraud money of the victims being channelized through the software and received by the applicant. There is no slightest of indication in the chargesheet of the applicant's role. It is further submitted that the case of the prosecution against the applicant herein even after completion of investigation is on the basis of mere conjectures. It is further submitted that this court as well as the Ld. Chief Metropolitan Magistrate have been pleased to enlarge the accused persons (accused Nos.3 and 4, 5,6 to 10) on regular bail. The applicant was not in India

when the alleged offence was committed. It is further submitted that all the recovery and discovery has been already made and chargesheet is filed, there are no compelling circumstances to retain his custody when the offence alleged are punishable for a maximum period of five years. It is further submitted that the applicant is in judicial custody since 13.10.2024 i.e since past five months. The prolonged detention of the present applicant would not amount to nothing but pre trial punishment. It is further submitted that the applicant herein is a young and progressive individual belonging to a hard-working segment of the society. Except the applicant, there is no breadwinner to look after the needs and necessities of his family. The applicant though a foreign national, is a permanent resident of the address mentioned in the cause title and there is no possibility of him absconding if released on bail. The applicant is ready and willing to abide by all the conditions that may be imposed by the court. Hence, the present regular bail application may kindly be allowed.

3. On the other hand, the Ld. P.P. for the State has opposed the present bail application and submitted that the present applicant in collusion with other

accused had committed a serious offence. At the instance of the accused persons, the complainant and his wife transferred an amount of Rs.79,34,639/- in different accounts as stated by the accused persons through RTGS but they did not return the above amount as per their assurance and thus cheated the complainant. During the course of investigation, it has been revealed that the applicant and other accused with intention to cheat Indian citizens had sent their bank account numbers to unknown foreign citizens and used it for committing cyber crime. The applicant accused is not an Indian citizen. Considering the nature of the allegations levelled against the applicant, the present bail application may be rejected.

4. I have heard the arguments of both the sides and have perused the F.I.R, affidavit and other material on record. As per the prosecution case, the applicant accused in connivance with other accused hatched a criminal conspiracy and in furtherance of the same, they posed themselves as CBI Officers and threatened the complainant that an arrest warrant is issued against him and at the instance of the accused persons, the complainant and his wife transferred an amount of Rs.79,34,639/- in different accounts as stated by the accused persons through

RTGS but they did not return the above amount as per their assurance and thus cheated the complainant. It is further the case of the prosecution that the applicant and other accused with intention to cheat innocent Indian citizens had after obtaining their bank account, sent their bank account numbers to unknown foreign citizens and used them for committing cyber crime transactions. It appears from the record that the co-accused have been granted regular bail by this court in Cr.M.A. No.7430/2024, Cr.M.A. No.7368/2024 and in Cr.M.A. No.7384/2024,

5. The earlier bail application of the applicant filed before filing of the chargesheet i.e Cr.M.A. No.8260/2024 had been rejected by this court. In the present case, the investigation of the crime is completed. The I.O in his affidavit submitted that he has filed chargesheet against the accused before the Ld. C.J.M. Court. In my view as the charge sheet has been filed against the applicant accused, the further detention of the applicant accused is not required. The alleged offence is not punishable with death or imprisonment for life. The trial of the case will take long time to conclude. The applicant is in judicial custody since 13.10.2024. The applicant accused cannot be kept in custody for indefinite period wherein the maximum punishment

prescribed is five years imprisonment. There is one criminal antecedents against the applicant accused. The alleged offence is triable by the Judicial Magistrate. The applicant accused is ready to abide by all the terms and conditions imposed by the court. Hence, the applicant accused is required to be released on regular bail on conditions. Considering the nature of the offence and in view of the law laid down by the Hon'ble Supreme Court in the case of **Sanjay Chandra versus C.B.I**, I am of the view that the applicant accused is entitled to get regular bail after filing of the charge-sheet. Therefore, the regular bail application needs to be allowed. Hence, I proceed to pass the following order:-

ORDER

(1) The present regular bail application filed by the applicant accused is allowed.

(2) Applicant/accused namely **SHEN WEI HAO ALIAS CHRIS** is ordered to be released on bail on his furnishing personal bond of Rs.15,000/- (Rupees Fifteen Thousand Only) and one surety in the like amount in connection with F.I.R bearing C.R. No. Part A - **11191067240113/2024** registered with Cyber Crime Police Station, Ahmedabad on following conditions:-

(a) The applicant accused shall attend the concerned court regularly.

(b) The applicant accused and his sureties shall provide their respective addresses and mobile numbers if any to the I.O./concerned trial court. The applicant accused shall intimate any such change in address or mobile numbers within a week.

(c) The applicant shall surrender his passport, if he is having before the concerned court within a week.

(d) The applicant accused shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing the facts to the court or any police officer and shall not tamper with the evidence and prosecution witnesses.

(e) The applicant accused shall not leave the territory of India without prior permission of the court.

Bail bond shall be furnished to the satisfaction of the concerned court.

Breach of any conditions by the applicant shall entail consequences of cancellation of bail.

Yadi of this order be sent to the concerned police station and the concerned court.

Pronounced in open court on 1st April, 2025.

(HEMANGKUMAR GIRISHKUMAR PANDYA)
Addl. Sessions Judge, Court No.15,
City Civil & Sessions Court,
Ahmedabad. (Code No.: GJ00705)