



RAJASTHAN HIGH COURT

HIGH COURT OF JUDICATURE FOR RAJASTHAN

BENCH AT JAIPUR

सत्यमेव जयते

S.B. Criminal Miscellaneous Bail Application No. 3107/2026

Naveen Temani S/o Brijkishore Temani, R/o 42, Shivshankar Nagar, Ajmer Bypass Road, Sanganer Road Ke Pass, Police Station Shyam Nagar, District Jaipur South, Rajasthan.

-----Petitioner

Versus

State Of Rajasthan, Through Pp

-----Respondent

For Petitioner(s) : Mr. Amit Jindal
Mr. Hemant Vijay

For Respondent(s) : Mr. Rajesh Choudhary, GA-cum-AAG with
Mr. Aman Kumar, AAAG
Mr. Vivek Sharma, PP
Mr. Manvendra Singh Shekhawat, PP
Ms. Neha Goyal
Mr. Rajeev Kumar Sharma, DGP,
Rajasthan (through VC)
Mr. Shantanu Singh, DIG, Cyber Crime
Mr. Sumit Mehrada, SP, Cyber Crime
Mr. Aatish Jain with
Mr. Rakesh Kumar Bairwa
Ms. Urmila Maharshi, complainant with
Mr. Girish Sharma- present in person

HON'BLE MR. JUSTICE SAMEER JAIN

Order

1	Arguments concluded on	27.03.2026
2	Order Reserved on	27.03.2026
3	Full Order or Operative Part Pronounced	Full Order
4	Pronounced on	1.04.2026

REPORTABLE :

1. The present bail application has been filed under Section 482 of Bhartiya Nagarik Nyay Sanhita, 2023 (BNSS) in connection with FIR No.12/2024, registered at Police Station Cyber Police Station (ATS & SOG), District ATS & SOG for the offence(s) under Sections 308(6), 318(4), 319(2), 111(4) & 204 of BNS.



2. Learned counsel for the applicant, at the outset, had fairly conceded that the first anticipatory bail application moved by the applicant, being S.B. Criminal Miscellaneous Bail Application No. 9766/2025 (Naveen Temani vs. State of Rajasthan), came to be dismissed by this Court vide order dated 08.10.2025.

3. It was then submitted that S.B. Criminal Miscellaneous Petition No. 2370/2025, instituted by the present applicant seeking quashing of the FIR under Section 528 of the Bharatiya Nyaya Sanhita, was dismissed on 30.04.2025. It was also pointed out that the said order was assailed before the Hon'ble Supreme Court by way of Special Leave Petition (Criminal) No. 53217/2025, which too came to be dismissed on 15.10.2025.

4. In the aforesaid backdrop, learned counsel for the applicant submitted that the present application for anticipatory bail has been filed on account of changed circumstances, as a compromise has been arrived at between the applicant and the complainant in respect of a commercial dispute inter-se them, and considering the limited nature of the dispute, the applicant deserves to be enlarged on anticipatory bail. It was further submitted that the applicant is a bona fide individual, presently residing in Dubai and employed as a Sales Officer. It was apprised to the Court that the applicant was holding certain cryptocurrency as part of his personal savings, and on account of financial necessity, the same was transacted with the co-accused, who paid a certain amount towards its purchase. It was urged that such transaction, in itself, cannot be construed as implicating the applicant in any alleged act of cyber fraud.



5. *Per contra*, learned counsel appearing for the State of Rajasthan and learned counsel appearing for the complainant, have vehemently opposed the bail application.

6. At the outset, learned counsel for the complainant submitted that the complainant is left with no liquidity to sustain herself or to bear the expenses of medicines and hospitalization, apart from her pensionary emoluments of Rs. 35,000/- per month, and that the complainant is devoid of any means of subsistence to maintain herself at the fag end of her life, particularly in view of her critical medical condition.

7. Learned counsel appearing on behalf of the State submitted that the present case is a classic instance of 'digital arrest', wherein an 83 years old lady was fraudulently subjected to such digital coercion and was compelled to transfer her pensionary benefits/savings from her bank account, amounting to Rs. 80 lakhs. It was submitted that on account of the said incident, the complainant suffered severe mental trauma, remained under depression, and was admitted to the hospital for a considerable period of time.

8. It was further submitted that the applicant is the kingpin of the entire operation, who, in connivance with other co-accused, has committed an international cyber-crime and extorted an amount of Rs. 80 lakhs, which was subsequently repatriated to Dubai. It was contended that out of the said amount, the applicant purchased Bitcoin/USDT, as revealed during the course of a detailed investigation. It was submitted that as many as 34 mule accounts, at different layers (layer one and two), were utilized in



the commission of the offence, and that 187 complaints have been registered on the relevant portal.

9. It was submitted by the Director General of Police, Cyber Crime, as well as the Superintendent of Police, Cyber Crime, in an unanimous voice (appearing via video conferencing) that the instant matter pertains to an international cyber-crime involving the use of multiple mule accounts operated by different persons. It was stated that the defrauded amount was transferred through 'hawala transactions'. It was also submitted that the mobile phone and laptop, along with the SIM cards, are required for the purpose of further investigation, and that an international portal is involved in the matter. It was further stated that 18 persons have been arrested in connection with the case, including the applicant's father and other co-accused. It was vehemently contended that the accused-applicant does not deserve the grant of anticipatory bail. It was further urged that the present case warrants a strict approach so as to send a strong message to society that innocent persons, particularly those not conversant with cyber frauds, cannot be so easily deceived and exploited by individuals such as the accused-applicant.

10. It was further contended that the purported compromise, which is not even signed by the applicant himself but by his father, who is absconding for a considerable period cannot be made a ground for grant of anticipatory bail. It was urged that granting anticipatory bail in such circumstances would adversely affect and set back the ongoing investigation, and is neither legally nor factually warranted in the present case.



11. The complainant, an aged and physically feeble lady, appeared before this Court in a wheelchair and submitted that she is undergoing severe financial hardship. She further stated that, in her present pitiable condition, she would be constrained to accept even a sum of Rs. 5 to Rs. 10 lakhs by way of compromise, not out of free will but under medical and psychological compelling circumstances, and she therefore, signed the compromise deed. It was further submitted that her application seeking release of the recovered amount of Rs. 13.40 lakhs was dismissed vide order dated 03.06.2025, by the learned Trial Court, on the ground that the said amount is required for evidentiary purposes. It was contended that the said amount would be of no immediate use to her, if released only after conclusion of trial or at a later stage, she would, in the meantime, be compelled to live in penury and remain dependent upon her distant relatives and other persons for sustenance.

12. Heard the submissions made by the learned counsel for the parties, the complainant, the Police Authorities and assiduously perused the material available on record.

13. Considering that the present matter pertains to a case of 'digital arrest', wherein an 83 years old lady has allegedly been defrauded by the applicant, and further taking into account the material emerging from the investigation indicating that the complainant remained hospitalized for a considerable period following the said incident, this Court takes note of the communication dated 27.03.2026 submitted by Mr. Sukan Singh, Deputy Superintendent of Police, Cyber Crime, which reads as follows:-



"01. प्रकरण में परिवादिया से 80 लाख रुपये की ठगी की गई है जो बरामद/रिकवर की जानी है। यदि अग्रिम जमानत स्वीकार की जाती है तो बरामदगी/रिकवरी सम्भव नहीं है।

02. प्रकरण में आरोपीगण द्वारा ठगी के रुपयों से बीटकॉइन/यूएसडीटी खरीदने के उपयोग में लिया जाना अनुसंधान से सामने आया है जिसके सम्बन्ध में गहन अनुसंधान किया जाना है।

03. परिवादिया द्वारा ऑनलाईन दर्ज शिकायत के अवलोकन से भी रुपये दुबई में जरिये ATM- MARINA MALL MARINA WALK DUBAI/EMIRA TESBANKIDUBAIAE तथा POS मशीन के जरिये निकाला जाना पाया गया है। जिसके सम्बन्ध में गहन अनुसंधान किया जाना है।

04. प्रकरण हाजा में विभिन्न व्यक्तियों के म्युल अकाउन्ट का उपयोग किया गया है जिसके सम्बन्ध में अनुसंधान किया जाना है।

05. प्रकरण में साइबर ठगी के अन्तराष्ट्रीय अपराधियों के सम्बन्ध में गहन अनुसंधान किया जाना है।

06. प्रकरण में साइबर ठगी की राशी का उपयोग हवाला के माध्यम से उपयोग करना पाया गया है जिसके सम्बन्ध में अनुसंधान किया जाना है।

07. प्रकरण में अन्य सहयोगियों के बारे में मालूमात किया जाना है।

08. प्रकरण में नवीन टेमाणी द्वारा उपयोग लिये मोबाईल फोन/लेपटॉप को जब्त किया जाकर साइबर ठगी करने वाले गिरोह के सम्बन्ध में अनुसंधान किया जाना है।

09. प्रकरण हाजा में विभिन्न व्यक्तियों के नाम से सिम प्राप्त कर ठगी में उपयोग किया गया है जिसके सम्बन्ध में अनुसंधान किया जाना है।"

14. The present case, as borne out from the record, pertains to a grave instance of organized cyber-crime in the nature of a 'digital arrest', wherein an elderly lady aged about 83 years was allegedly deceived and coerced into transferring an amount of Rs. 80 lakhs from her bank account. The material further reflects that the complainant suffered severe mental trauma, remained under depression, and was hospitalized for a considerable period



following the incident. The vulnerability of the victim, coupled with the magnitude of the alleged offence, lends serious weight to the prosecution's case. The investigation, as placed before this Court, prima facie indicates the involvement of the applicant as a key conspirator in an international cyber fraud racket. It has been alleged that the defrauded amount was routed through multiple mule accounts, numbering 34, with as many as 187 complaints registered on the relevant portal, and thereafter transferred through *hawala* channels to foreign jurisdictions, including Dubai. The material further suggests that the proceeds of crime were utilized for purchase of cryptocurrency such as Bitcoin/USDT. The involvement of multiple accused persons, the use of layered financial transactions, and the transnational dimension of the offence clearly demonstrate a well-organized and deliberated criminal operation.

15. At this stage, it is also pertinent to note that the investigation is at a crucial stage, with arrest of 18 persons, including the applicant's father and other co-accused. The requirement of custodial interrogation, recovery of electronic devices such as mobile phones, laptops, and SIM cards, and unearthing the larger conspiracy cannot be ruled out. Grant of anticipatory bail in such circumstances would seriously impede the course of investigation. The contention of the learned counsel for the applicant regarding the alleged compromise entered into with the complainant does not impress this Court. Firstly, the said compromise is not even signed by the applicant himself but by his father. Secondly, the offence alleged is not merely of a private or civil nature but has far-reaching ramifications on society at large,



particularly affecting unsuspecting and vulnerable individuals. It is well settled principle, as also held by Hon'ble Supreme Court in a catena of judgments, *inter alia*, **Manoj Sharma Vs. State of Rajasthan & Ors. : 2008(16) SCC 1; Gian Singh vs. State of Punjab : 20132 (10) SCC 303; Nariender Singh Vs. State of Punjab : 2014 (6) SCC 466; Dimpey Gujral Vs. UT, Chandigarh : 2013 (11) SCC 497 and State of TN Vs. R.Vasantri Stanley : 2016 (1) SCC 376**, that in cases involving serious economic offences and organized cyber frauds, the element of societal impact assumes significance, and such matters cannot be lightly compounded on the basis of a purported settlement. This Court is also not oblivious of the submission advanced on behalf of the complainant regarding her precarious financial condition and the denial of interim relief in respect of the recovered amount. The plea of the applicant that he is a bona fide person residing abroad and that the transactions pertain to cryptocurrency dealings, at this stage, does not inspire confidence so as to dislodge the *prima facie* case emerging from the investigation.

16. In view of the foregoing discussion, considering the gravity of the offence, the manner in which it is alleged to have been committed, the role attributed to the applicant, the requirement of further investigation, and the larger societal impact, this Court is of the considered opinion that the applicant has failed to make out a case for grant of anticipatory bail. Accordingly, the present anticipatory bail application stands **dismissed**.

**PARTING OBSERVATION :**

17. This Court cannot remain unmindful of the peculiar facts and circumstances of the present case, particularly the condition of the complainant, who is an aged and physically feeble lady and has suffered substantial financial and emotional distress on account of the alleged incident. The material on record reflects that she is presently facing acute financial hardship and is dependent upon limited pensionary benefits for her sustenance, including medical expenses. Though this Court, while exercising jurisdiction on the bail roster, is not adjudicating upon the merits of release of case property, it is considered appropriate, in the interest of justice, to invoke the enabling provisions under Section 528 of the Bharatiya Nyaya Sanhita, so as to ensure that the ends of justice are not defeated on account of procedural constraints. For the sake of handiness, the relevant invoked provision from the Sanhita is reproduced hereinbelow:

"528. Saving of inherent powers of High Court.-

Nothing in this Sanhita shall be deemed to limit or affect the inherent powers of High Court to make such orders as may be necessary to give effect to any order under this Sanhita, or to prevent abuse of the process of any Court or otherwise to secure the ends of justice."

18. Accordingly, this Court directs the learned Trial Court i.e., the Court of the learned Additional Sessions Judge No. 4, Jaipur Metropolitan-I, to consider any application that may be preferred by the complainant for release of the seized amount with due sensitivity and promptitude, and to pass appropriate orders for release of the amount, quantified at Rs. 13,40,790/-, upon





exploring the possibility of releasing such amount on suitable terms and conditions, within a period of seven days from the date of filing of such application, subject to such terms and conditions as may be deemed just and proper to safeguard the interests of the trial.

19. This Court further directs the respondent-State to extend all necessary legal and logistical assistance in facilitating the aforesaid process, so as to ensure that the complainant is not subjected to any undue hardship.

20. The Registrar (Judicial) is directed to forthwith transmit a copy of this order to the learned Trial Court i.e., the Court of the learned Additional Sessions Judge No. 4, Jaipur Metropolitan-I, for information and necessary compliance.

(SAMEER JAIN),J

Preeti Asopa