	सत्यमेव जयते	Presented on : 29/05/2026 Registered on : 29/05/2026 Decided on : 15/06/2026 Duration : Y M D 00 00 17

IN THE COURT OF 5th ADDITIONAL SESSIONS JUDGE, AT RAJKOT

Criminal Misc. Application No.1732 OF 2026
Exh. 11

Pareshbhai Chamanbhai Chauhan …….Applicant

V e r s u s

1. The State
2. Dr. Jayeshbhai Girdharbhai Popat …..Respondents

Appearance :-

Mr. S. A. Batata, Ld. Advocate for the Applicant.
Mr. P. N. Shah, Ld. APP for the State.
Mr. H. R. Avlani, Ld. Advocate for De Facto Complainant

J U D G M E N T

1. The applicant apprehends arrest for offences punishable under Sections 409, 465, 467, 468, 471 of IPC in connection with C. R. No. 11208044260439/2026 dated 27/05/2026 registered with Pradumannagar Police Station, Rajkot city hence, he has preferred present application under Section 482 of BNSS seeking anticipatory bail, in the event of his arrest.

2. On service of notice, Ld. APP has filed affidavit of Investigating Officer at Exh. 6.

3. Succinctly, applicant was serving as a contractual outsourced Junior Clerk through MK/s. M.J. Solanki at the Taluka Health Office, Race Ring Road, Rajkot city during the period from the year 2021 to 2022. Allegedly, while discharging official duties, applicant misused the authority and access entrusted to him by, crediting the amount of employees working in and retired from the Taluka Health Office into his own bank account no. 31244656373. Further, the applicant withdrew cash amount through cheques from complainant's account no. 56292003239 maintained for the block level activities and deposited into his own bank account. Thus, the applicant allegedly deposited a total amount of Rs. 16,59,505/- (Rs. Sixteen Lakh Fifty Nine Thousand Five Hundred Five Only) into his personal bank account thereby, committed criminal breach of trust, misappropriation and embezzlement of Government funds, resulting in wrongful loss to the Government.

4. Ld. Advocate for applicant has pleaded innocence. It is argued that as per the FIR, alleged incident had occurred from 01/01/2021 to 31/12/2022 whereas, the FIR was lodged on 27/05/2026 i.e. after more than 3 years. It is further submitted that except for bald allegation regarding deposit of money, no specific overt act showing dishonest intention and criminal breach of trust has been attributed to the applicant. Investigation is predominantly documentary in nature and therefore, custodial interrogation of applicant is not warranted. It is contended during course of submissions that applicant was serving as a contractual outsourced employee who had no independent authority to sanction, approve or disburse Government funds thus, he had acted on the instructions of his superior officers. Additionally, applicant has no past antecedents and he is a permanent resident of Gujarat therefore, there is no possibility of tempering and hampering with evidence. The applicant undertakes to co-operate with the investigation and comply with all conditions imposed by Hon'ble Court.

5. On the other hand, Ld. APP has vehemently opposed the bail application and reiterated the allegations made in the FIR as well as affidavit of the Investigating Officer. The *de facto* complainant has filed Written Objections at Exh. 09. It is submitted that as per the affidavit of Investigating Officer, present applicant has committed serious offence involving misappropriation of Government funds amounting to Rs. 16,59,505/-, which amount is yet to be recovered thus, custodial interrogation of applicant is necessary to trace out involvement of other persons. It is further submitted that applicant had followed repeated pattern to commit offence as under (a) preparing inflated bills at block level, (b) obtaining higher DD amounts from district pay cell, and (c) diverting the excess or even entire employee dues to the bank account of applicant, unequivocally establishes that he is the direct beneficiary of the siphoned funds and not a mere peripheral figure in the impugned FIR. It is therefore necessary that the applicant be subjected to custodial interrogation to ascertain (I) who within the Taluka Heath Office, district pay cell and the concerned bank facilitated such repeated credits into his personal account; (ii) what authorizations and accused were misused; (iii) how the manipulation in vouchers, bills and advice letters was carried out at different stages. Therefore, grant of anticipatory bail at this stage before the investigation agency has been able to fully unravel the trail of funds, would seriously hamper investigation and may result in crucial leads being permanently lost. In support, reliance is placed on following case laws:**Rakesh Mittal Vs. Ajay Pal @Sonu Chaudhry and another (Special Leave to Appeal (Crl.) NO. 19708 of 2025); Pratibha Manchanda & Anr Vs. State of Haryana & Anr (2023 INSC 612); State through Central Bureau of Investigation Vs. Anil Sharma (1997 Lawsuit (SC) 1130).**

6. Heard Ld. Advocate for applicant and Ld. APP. Perused the case diary and affidavit filed by Investigating Officer wherefrom, it appears that Rs. 16,59,505/- have been credited to the account of applicant on different dates, having been withdrawn by him hence, the argument of delay in lodging FIR is not tenable at this stage, particularly when the offence is disclosed during audit conducted by the Taluka Health Office for the financial year 2020/21 and for the financial year 2021/22. Infact, the fact of entries being reflected in applicant's bank account no. 31244656373, is not denied by him. It is pertinent to note that after the offence was registered, the investigating officer had filed an application to add Sections for offence punishable under 465, 467, 468, 471 of IPC, which was allowed by Ld. Trial Court on 11/06/2026. It further appears that as far as the aforesaid offences are concerned, applicant is alleged to have prepared false bills by using them as genuine and got them sanction by Jilla Panchayat Kacheri, Rajkot. Thereafter, applicant caused the amount to be transferred in to his bank account. The only case of applicant at this stage is that he had acted on the instructions of his superior officers. In such circumstances, present being an economic offence, allegedly involving other persons, custodial interrogation of applicant appears to be imperative. Accordingly, following order is passed :-

:: O R D E R ::-

Present Criminal Misc. (Anticipatory Bail) Application No. 1732/2026 under Section 482 of BNSS is hereby rejected.

Pronounced and signed in the open Court today on

15th day of June, 2026.

Date : 15/06/2026
Place : Rajkot

(PRIYANKA AGARWAL)
5th Additional Sessions Judge
At Rajkot
Unique ID Code No.GJ01597