

Date of institution	10.03.2026
Date of registration	10.03.2026
Date of decision	23.03.2026



IN THE COURT OF 10TH ADDITIONAL SESSIONS JUDGE,
AHMEDABAD (RURAL) AT NAVRANGPURA

CRIMINAL MISC. APPLICATION NO. 716 OF 2026

Applicant(s):

Name	Kapilbhai Karshanbhai Bhatu (Ahir)
Age	32 years,
Address	Plot No.18/2, Vrajdharm Society, Gokulnagar, Jamnagar.

V/s.

Respondent:

State of Gujarat

Appearance (Learned Advocates):

For Applicant	Mr. B. G. Chavda
Respondent	Ld. PP Mr. P. M. Trivedi.

-: ORDER :-

1. The present anticipatory bail application has been filed on behalf of the applicant seeking anticipatory bail in connection with FIR bearing C.R. No.11191037252168/2025 registered with **Odhav Police Station** for the offences punishable under Section 317(4), 318(4), 319(2), and 61 of **Bharatiya Nyay Sanhita, 2023** (fort short "**BNS**").
2. In nutshell the case of the prosecution is that the co-accused Parth Dudhagara introduced the complainant with

the main accused Sagar Nandaniya and initially the said Sagar Nandaniya placed purchase order to the tune of Rs.70,95,000/- for purchasing 13 tonnes scrap brass metal. In lieu of this purchase, the accused Sagar Nandaniya in all paid Rs.68,45,000/- to the complainant and only Rs.2,50,000/- was remained outstanding. In this way, the said Sagar Nandaniya gained trust of the complainant and, thereafter, he placed second purchase order for purchasing 20 tonnes scrap Brass Metal, out of which, 8 tonnes of Brass Metal in sum of Rs.47,29,074/- were delivered to the said accused, but, at the time of delivery, he did not make payment of the goods. Subsequently, the complainant as well as his friend and partner repeatedly requested the accused persons for payment of the outstanding amount, however, on the one pretext of other, the accused did not make payment of outstanding amount and, thereby, the accused persons have cheated the complainant. In these circumstances, an FIR was registered against the accused persons and the applicant is apprehending his arrest and he has preferred the instant bail application.

3. Ld. Advocate for the applicant has submitted that present applicant is innocent and he has not played any direct or indirect role in the commission of the offence, however, he is likely to have been falsely implicated in the present offence. It has been further submitted that the present applicant-accused is not acquainted with the complainant nor any recovery or discovery has been affected from him, however, the present applicant-accused has been wrongly

implicated only on the basis of disclosure statement of one rickshaw driver. It has been further submitted that the present applicant-accused has made payment of all the amount in respect of the goods purchased by him from the complainant. It has been further submitted that the offence is alleged to have been committed from 20.03.2024 to 22.12.2025 and the FIR was lodged after delay of more than 1^{1/2} years and no plausible explanation for delay in filing an FIR was given by the complainant. It has been further submitted that name of the present applicant is not cited in the FIR, however, he has fully cooperated the investigating officer in carrying out free and fair investigation. It has been further submitted that the case of the prosecution hinges upon the documentary evidence, which are already seized and recovered by the police and, therefore, there is no likelihood of tampering with the evidence. It has been further submitted that the present applicant is residing at the address mentioned in the caption of the present application and he will abide by all the conditions imposed upon him and he will cooperate in investigation. With these submissions, he has prayed that present bail application may kindly be allowed.

- 3.1 It has been argued by the Ld. Advocate for the applicant that co-accused – **Parth Nileshbhai Dudhagara** was ordered to be released on regular bail by the Hon'ble High Court of Gujarat vide **Cr.M.A. No.4450 of 2026** and another co-accused namely **Ahswin Devashibhai Gojiya** who was ordered to be enlarged on regular bail by this Court in

CrMA No. 612 of 2026. Therefore, considering the role of the co-accused persons who were released on bail, this application of similar situated applicant may also be allowed on the ground of parity.

4. Ld. PP for the State has tendered affidavit of the investigating officer and submitted that the main accused Sagar Nandaniya purchased goods from the complainant without paying any amount and, thereafter, sold it to the present applicant-accused and, thereby, the present applicant-accused had facilitated the co-accused persons in the commission of the offence. He has further submitted that the main accused Sagar Nandaniya as well as the co-accused Kapil Bhatu are yet to be arrested. He has further submitted that except present offence, one more offence under the Gambling Act is registered against the present applicant-accused. He has further submitted that if the present applicant-accused is released on anticipatory bail, than, there are chances that he will hamper the investigation and tamper the witnesses. Therefore, the Ld. PP prayed to reject the present application.
5. Having heard the Ld. Advocates appearing for the parties and having gone through the material on record, the question that falls for my consideration is whether any case for grant of anticipatory bail is made out or not.
6. Looking to the facts of the present FIR and the affidavit filed by the investigating officer, it transpires that the main accused persons Sagar Nandaniya gained trust of the complainant and placed order for purchasing 8 tonnes

scrap metal brass. After getting delivery of the goods, the accused Sagar Nandaniya did not make payment of the goods to the complainant and further sold the goods to the present applicant-accused and Ashwin Gojiya. On perusal of the affidavit filed by the Investigating Officer, no other role is attributed to the present applicant-accused except of the applicant having purchased the goods from the main accused Sagar Nandaniya and keeping in view the role attributed to the present applicant-accused, this Court is of the opinion that nothing has been alleged against him that he was privy to any conspiracy hatched by any of the co-accused persons. Further, presence of the applicant-accused during the course of investigation can be secured by imposing stringent conditions.

7. Thus, for the foregoing reasons and also in view of the ratio laid down by the Hon'ble Apex Court in the case of "**Siddharam Satlingappa Mhetre Vs. State of Maharashtra**" reported in 2010 (0) AIJEL 49182 and "**Shri Gurubaksh Singh Sibbia & Ors. V/s. State of Punjab**" reported in (1980) 2 SCC 665 and "**Sushila Agrawal V/s. State (NCT of Delhi)**" reported in (2020) 5 SCC 1, "**Arnesh Kumar V/s. State of Bihar**" reported in 2014 (0) AIJEL-SC 55515, "**Satender Kumar Antil V/s. CBI & Ors.**" reported in 2023(0) AIJEL-SC 70989 and "**Solanki Ravibhai Dipubhai & Ors. Vs. State of Gujarat**" reported in 1992(1) GLR 631, there does not appear any necessity for sending the applicant behind the bar for the purpose of investigation. Hence, in these circumstances, without commenting

anything on the merits, present application deserves to be allowed. Accordingly, following final order is passed, in the interest of justice:-

:- ORDER :-

- (1) The present application is hereby **allowed**.
- (2) It is hereby ordered that **in the event of arrest** of the present applicant **Kapilbhai Karshanbhai Bhatu (Ahir)** in connection with FIR registered with **Odhav Police Station** vide **C.R.No.11191037252168/2025** for the offences punishable under Sections **317(4), 318(4), 319(2), and 61 of BNS**, the applicant is ordered to be released on bail on furnishing surety of **Rs.50,000/- (Rs. Fifty Thousand)** with personal bond of like amount subject to following conditions:-
 - (a) The applicant shall make himself available before the concerned Investigating Officer within **3 days** of passing of this order for the purpose of interrogation, and thereafter as and when required;
 - (b) The applicant shall not obstruct or hamper the police investigation in any manner and shall cooperate the investigation Officer;
 - (c) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the fact of the case so as to dissuade them from disclosing such facts to the Court or to any police officer;
 - (d) The applicant shall not involve themselves in any similar or other offences.

- (e) The applicant shall not leave the territories of India without prior permission of the concerned Ld.Magistrate.
- (f) The applicant shall remain present before the trial Court regularly, if so required;
- (g) The applicant shall at the time of execution of bail-bond, furnish the address of residence with authentic proof & mobile number of the applicant as well as his surety to the investigating officer and the court concerned and in case of change of any address, they shall inform his new address to the concerned police station & the Court immediately;
- Copy of this order with Yadi be sent to **the concerned Court and Police Station for compliance.**

Pronounced and signed in the open Court on this 23rd day of March, 2026 at Ahmedabad.

Date : 23.03.2026
Place: Ahmedabad

[**Hardik R. Shah**]
10th Additional Sessions Judge,
Ahmedabad (Rural) at Navrangpura
(Judge Code No.GJ00851)