



**IN THE COURT OF HON'BLE ADDITIONAL DISTRICT &
SESSIONS JUDGE, AHMEDABAD [RURAL] AT DHOLKA.**

Criminal Miscellaneous Application No.46 of 2026

Exh._____

Applicant/accused : Anvarbhai @ Bapu S/o Abubhai Suleman Theba.
Age:25 years, Occup:Business,
R/o. Nr. Amarsar Fatak, Vankaner, The-
Garden Society, House No.3, Taluka-
Vankaner, District-Morbi.
(At present in Sabarmati Central Jail)

V e r s u s

Opponent : The State of Gujarat
[Notice to be served through
the Office of the Public Prosecutor
District & Sessions Court at Dholka,
Ahmedabad]

**Subject: An Application for Regular Bail under the provisions of
Section 483 of the B.N.S.S., 2023 after filing of Charge Sheet
[successive].**

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Appearances:-

Learned Advocate Mr. M.H. Rana for the Applicant-accused.

Learned Public Prosecutor Mr. J.C. Patel for the Opponent-State.

Learned Advocate Mr. K.R. Baloliya for the Applicant-accused.

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:-:O R D E R:-:

1. After filing of the charge-sheet, the applicant-accused has preferred the present application for regular bail under the provisions of Section 483 of B.N.S.S. in connection with FIR being **C. R. No.11192006250268/2025** registered with **Kerala GIDC** Police Station for the offences punishable **U/s 420 & 120B** of Indian Penal Code.

2. On service of notice, the Ld. Public Prosecutor for the State Mr. J.C. Patel appeared before the Court and filed affidavit of the Investigating Officer at Exh.5, wherein, the Investigating Officer has submitted the at length facts of the offence and role attributed to the present applicant/accused in the commission of offence. It is further contended that present applicant/accused alongwith other co-accused persons have hatched a criminal conspiracy and in continuation of said conspiracy, present applicant/accused with co-accused have given the allurements to the complainant to do the amount as double and the co-accused persons have introduced complainant to the present applicant/accused (main role player) and thereafter, present applicant/accused has given assurance to double amount of complainant with tantric method and thereby, the accused persons have obtained a huge amount in total Rs.1 crore, 6 lakh & 50 thousand from the complainant in installment through different mode like cash, online and third party started from 29.01.2024 and the applicant/accused has played the principal and pivotal role in the commission of the present offence and the applicant/accused has cheated the Complainant by wrongfully obtaining a total amount of Rs.1,06,50,000/- (Rupees One Crore Six Lakh and Fifty Thousand only) at various times. Hence, it is submitted that, considering the seriousness of the offence, bail of the applicant-accused be rejected in the interest of justice.
3. Heard the Ld. Advocate for the applicant-accused and Ld. Public Prosecutor for the State alongwith the Ld. advocate for the complainant on the facts and provisions of law.

4. The Ld. Advocate for the applicant has submitted at length facts of the alleged offence and vehemently argued that the present applicant is innocent and has not committed alleged offence. It is further submitted that there is no direct or indirect role of the present applicant in the alleged offence but complainant has made a concocted story and falsely implicated the present applicant in the alleged offence. It is mainly argued that the complaint indicates the time period of the offence was from 29.01.2024 to 30.06.2025 whereas, the complaint was registered at the police station on 06.11.2025 after 22 months of the incident without explanation of such huge days delay and therefore, the applicant is entitled for the regular bail. It is further submitted that the applicant has never taken any monetary benefit and therefore, the applicant is not involved in the alleged offence directly or indirectly. It is mainly argued that in the present case, the investigation has already been concluded and the charge-sheet has been filed and the case has been registered as CC No.27/2026, therefore, there is no chance to tamper and/or hamper with the prosecution witnesses and evidences. There is no recovery or discovery is pending in the present case. It is mainly submitted that other two accused have been enlarged on regular bail by the Hon'ble High Court of Gujarat vide order dated 15.12.2025 passed in R/Criminal Misc. Application (for regular bail – before chargesheet) No.26350/2025 and therefore, the present applicant is also entitled for regular bail on the ground of parity. The Ld. Advocate for the applicant has placed heavily reliance upon the judgments of the Hon'ble Apex Court and the judgments of Hon'ble High Courts and argued that the applicant is in judicial

custody since 13.11.2025 and further relied on the principle of bail is rule and jail is an exception and argued that if the applicant may not be enlarged on bail, it would amount to pre-trial conviction. It is further submitted that there is no any criminal antecedents and he is in judicial custody since long time and therefore, if the applicant may not be enlarged on bail, his future may be spoiled. It is further submitted that applicant is the only bread earning member of his family and if the applicant may not be enlarged on bail, his family would also face grave hardships. It is further submitted that applicant is permanent residents of the address mentioned in the cause title and therefore, there is no chance of flee away from the justice. The Ld. advocate for the applicant has placed heavily reliance upon the judgment of the Hon'ble Apex Court and the judgment of the Hon'ble High Courts and further argued the applicant is entitled for regular bail as the charge-sheet has been filed. It is further argued that the applicant is ready and willing to abide by all the terms and conditions in the event of he is being enlarged on bail and with the above submissions, the Ld. Advocate for the applicant has prayed to allow the present application.

5. *Per-contra*, the Ld. Public Prosecutor for the State has strongly objected the present application and reiterated the facts of the affidavit filed by the IO and stated at length facts of the offence and vehemently argued that present applicant/accused has committed very serious offence. It is further submitted that the applicant/accused has played the principal and pivotal role in the commission of the present offence, as to spread the blind faith and with allurements to do the amount as double with

tantric method, have collected the huge amount more than Rs.1 crore from the complainant in the installment through different modes like cash, online etc. It is submitted that, the crime was committed by defrauding the complainant by taking a total of Rs.1,06,50,000/- at different times and therefore, if the applicant/accused may be enlarged on bail, he is likely to tamper or hamper with the prosecution witnesses and evidences. It further submitted that all the applicants/accused alongwith other co-accused persons are habitual to commit such type of offence in repeated manner and at the time of the police investigation conducted by the Valsad police officials, such scam of the accused was disclosed, therefore, for the people at large, applicant/accused cannot be enlarged on bail. It is further argued that though the charge-sheet has been filed in the present case but day-by-day, in our society, such type of crime are increasing and therefore, if the applicant/accused may be enlarged on bail, it would send the wrong message in the society and the public at large would not be safe and as the earlier regular bail application of the applicant/accused has been rejected by this Hon'ble Court by considering the seriousness of the offence and other co-accused persons are yet to be arrested, therefore, though this is a bail application after filing of charge-sheet on the ground of change of circumstance but there is no change of the circumstances and therefore, the present application is required to be rejected. It is further submitted that if the applicant/accused may be enlarged on bail, he is likely to tamper/hamper with the prosecution witnesses and evidence. Therefore, considering the gravity of offence and role attributed to the present applicant/accused in the offence, the present

application is required to be rejected as to set an example for the society.

6. The complainant has appeared before this Court and filed his written objection vide Exh.7, whereby, the complainant has strongly objected the present application. The complainant in his written objection stated at length facts of the offence and role attributed to the present applicant-accused. It is further submitted that applicant/accused is the main accused involved in the present offence and if he may be enlarged on bail, there is every possibility that he may trap the people at large and they may spread blind faith in people at large. It is further submitted that though the charge-sheet has been filed but other co-accused are yet to be arrested and therefore, if the applicant/accused may be enlarged on bail, he is likely to hamper and/or tamper with the prosecution witnesses and lastly urged to reject the present application.
7. I have gone through the application, affidavit filed by the I.O., written objection and arguments advanced by the rival parties. Now, the present applicant-accused has sought for Regular Bail and while deciding the bail application, the Court has to see that whether there is any prima-facie case or reasonable ground to believe that the accused had committed the offence or not. The court has to further see the nature and gravity of accusation along with the severity of the punishment. Not only that the court has also to see the likelihood of the applicant-accused to flee away from the justice. Moreover, it is also required to be kept in mind about the reasonable apprehension of the witnesses being influenced.

8. Further, it appears that the applicant-accused is in judicial custody since 13.11.2025. Further, it appears from the record that Muddamal has already been seized. Moreover, it prim-facie appears that charge-sheet has been filed and there is no reliable material from which it can be ascertained that the presence of the present applicant-accused is required for further investigation. Further, there is no justifiable reasons appeared from the affidavit filed by the investigating officer for which the bail can be denied to the present applicant-accused. Further, it appears that other co-accused have been enlarged on regular bail by the Hon'ble High Court of Gujarat vide order dated 15.12.2025 passed in R/Cr.M.A. No.26350/2025 and this fact is required to be considered. Further, other co-accused persons have been enlarged on bail by the Hon'ble High Court of Gujarat, hence, looking to the role of the present applicant/accused, parity may be applicable to the present applicant/accused. Moreover, the presence of the applicant/accused can be secured as and when required by imposing stringent conditions.
9. Having regard to the contentions raised by the rival parties, it is pertinent note that the Judgment reported in the case of Sanjay Chandra Vs. CBI [2012] 1 SCC 40, wherein, the Hon'ble Supreme Court has observed that the provision of Cr.P.C. confer discretionary jurisdiction on criminal courts to grant bail to the accused pending trial or in appeal against conviction; since the jurisdiction is discretionary, it has to be exercised with great, care and caution by balancing the valuable right of liberty of an individual and the interest of the society in general. It is further

observed that it transcends respect for the requirement that a man shall be considered innocent until he is found guilty. If such power is recognized, then it may lead to chaotic situation and would jeopardize the personal liberty of an individual.

10. Considering the ratio laid down by the Hon'ble Apex Court in case of Sanjay Chandra(supra) and other judgments of the Hon'ble Apex Court and looking to the gravity and nature of the accusation made against the present applicant-accused as well as while balancing personal liberty and society's interest, it reveals that the personal liberty of the present applicant-accused is required to be protected against the interest of the society. Thus, considering the principle that bail is rule and jail is exception and pursuant to the allegations leveled against the present applicant-accused, if liberty is curtailed with heavy conditions, in that case, the pre-trial punishment can be prevented. Considering all these facts and circumstances, this is a fit case to exercise discretionary power vested u/s. 483 of B.N.S.S., 2023 in favour of the present applicant-accused. Hence, in the interest of justice, following order is passed.

:-O R D E R:-

- The present **Criminal Misc. Application No.46 of 2026**, for regular bail is hereby **allowed**.
- The applicant/accused-**Anvarbhai @ Bapu S/o Abubhai Suleman Theba** is hereby ordered to be released on regular bail in connection with FIR being **C. R. No.11192006250268/2025** registered with **Kerala GIDC** Police Station for the offences punishable **U/s 420 & 120B** of Indian Penal Code, on furnishing **surety of Rs.10,000/- (Rupees Ten Thousand Only) along with**

personal bond of like amount with the concerned Authority subject to following terms and conditions that:-

- 1) The applicant-accused shall not take undue advantage of liberty or misuse liberty;
- 2) The applicant-accused shall not act in a manner injurious to the interest of the prosecution.
- 3) The applicant-accused shall surrender his passport, if any (if not already surrendered), and in case, the applicant is not holder of the same, the applicant shall swear to an affidavit. If the applicant has already surrendered it before the I.O, the applicant-accused shall file an affidavit to that effect.
- 4) The applicant-accused **shall not leave the territory of India** without prior permission of the concerned Court.
- 5) The applicant-accused shall not involve himself, in any kind of offence.
- 6) The applicant-accused shall furnish latest and permanent address of his residence to the Investigating officer and also to the Court at the time of execution of the bond and shall not change the residence without prior permission of this Court.
- 7) The applicant-accused shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts or the case so as to dissuade him to disclose such facts to the Court or to any other authority.
- 8) The applicant-accused shall remain present before the Court on the dates fixed for hearing of the case. If the applicant want to remain absent, then the applicant shall take prior permission of the court and in case of unavoidable circumstances for

remaining absent, the applicant shall immediately give intimation to the trial court.

- The I.O. reserve liberty to make an appropriate application for modification/recalling the order passed by this court, if for any reason, the applicant violate any of the conditions imposed by this Court.
- Bail bond be furnished before the Court concerned court and Yadi be sent accordingly to the concerned authority.

Signed & Pronounced in the open Court on this 6th day of April, 2026.

[Naresh Girikant Dave]
Additional District & Sessions Judge,
Ahmedabad (Rural) at Dholka.
(UIC No.GJ00467.)

Date :06/04/2026.
Place:Ahmedabad.
P.D.Mishra