



IN THE COURT OF INCHARGE JUDICIAL MAGISTRATE FIRST CLASS,

AT: VALIA. BHARUCH

CRMA NUMBER 24/2026

In the matter of :-

APPLICANT- ACCUSED	SAILESHKUMAR KANIYALAL MEHTA 73, KRISHNA NAGAR SOCIETY, NEW CIVIL HOSPITAL, BHARUCH
VERSUS	
OPPONENT	STATE OF GUJARAT

Date of receipt: 18/03/2026

Date of institution: 18/03/2026

Date of decision: 18/03/2026

APPEARANCE:

Learned advocate C A PARIKH for the applicant-accused

Learned advocate P R CHAUDHARY for the state.

JUDGEMENT

BRIEF FACTS OF THE FIR

1. The present applicant accused is involved in FIR number 11199050250648 OF 2025 VALIYA police station bharuch for the offences under section 316(4) of the BNS and IT act 66D FIR dated 01/08/2025.
2. The first informant herein is working as unit head assistant vice president since about 7 months in Godrej industry limited at valiya. The head office is at Vikhroli, Mumbai. The company is involved in the production of chemicals as raw materials and trading the same in India as well as foreign countries. The first informant is assigned the task of supervising trading of chemicals in the company.
3. From December 2024 to April 2025 some discrepancy was observed in inventory regarding off-specification (scrap) production of raw material, accounts and dispatch/selling, on the basis of which a detailed scrutiny was conducted by the corporate audit team. Seven types of raw material was produced but no records were reflected in the factory records and entries were made regarding selling only thereby manipulating the data of the system cheating has been committed with the company and loss of RS. 12,62,39,157/- has occurred to the company.

**Arguments of learned advocate Mr. C A PARIKH for the
applicant-accused.**

4. On dated 01/08/2025 FIR is registered against the applicant-accused named shaileshkumar mehta before the valiya police station under section 316(4) of the BNS as well as section 66D of the IT act.
5. On dated 23/02/2026 my learned predecessor Judge has passed an order on the application (report) of investigating officer to add sections 316(5), 61, 336(2), 336(3), 338, 340(2) of BNS in the above FIR, where in “kept with the original FIR” relying on the decision of hon’ble Gujarat High Court order was passed.
6. On dated 16/09/2025 the applicant-accused which preferred the anticipatory bail application before the hon’ble sessions court CRMA/929/2025 rejected the anticipatory bail application.
7. On dated 09/10/2025 the hon’ble High court has passed an order where the criminal application for anticipatory bail number 20517 of 2025 was disposed of.
8. On dated 12/02/2026 & On dated 1/3/2026 the applicant-accused had preferred the complaint number 116/2026 which is for irregularities going on in the Godrej industries limited valiya Bharuch and also complaint was preferred to S.P. Bharuch.

9. On dated 10/03/2026 from time 11:00 am to 4 pm the applicant herein was present at the police station valiya.
10. On dated 10/03/2026 the valia police inspector K M Chaudhary gave written instructions to the applicant to remain present on next date 14/03/2026 in the morning 11:00 am. Copy of the same is produced vide mark 3/1.
11. It is argued that the police had called for the purpose in connection to the complaint preferred by the applicant against Godrej company (about the irregularities going on in the company to Gujarat pollution control board) and as per direction of the police authority he remained present before the valiya police station. Shockingly his client was arrested on the same day as on 14/03/2026. And as per the memo of the arrest he was arrested on dated 14/03/2026 time 18:15 pm.
12. The accused-applicant was produced before the magistrate within 24 hours as per the procedure.
13. My learned predecessor judge vide order dated 15/03/2026 granted the remand application of the police and the accused was remanded till 18th march 2026 time 11:00 am.
14. The accused was produced before me on dated 18th march 2026 time 10:35 am by the police authorities and upon inquiry regarding the allegation of ill treatment against the arresting

police officer, the accused have no complaints of such ill-treatment, the accused was taken into the judicial custody.

15. Accused has preferred the present application and have argued that false allegations are made against his client and have argued that no money is recovered from his client by the police authorities and no such financial fraud is done by the accused and the accused is innocent person
16. The accused is ready to comply with the conditions which may be imposed by this court
17. The accused has no criminal history and the accused is made a scape goat for the irregularities going on in the Godrej company limited for which the accused-applicant has preferred a complaint against the company.
18. **The learned advocate has argued that the first information report was made on dated 1st august 2025 against his client and his client was arrested on dated 14th march 2026, there is a delay of 8 months here. Why there is a delay of 8 months? No such explanation is put forth by the investigating officer in his written grounds of arrest which should have been done by the arresting officer.**
19. The learned advocate appearing on behalf of the accused has argued that his client is visiting the Investigating officer

from time to time and cooperating in the investigation process with the investigating officer and there is no instance where the accused has disregarded the call/summons of police officer as well as Investigating Officer.

20. The learned advocate appearing on behalf of the accused has argued that not a single penny is recovered from the accused out of total allegations of approx. Rs. 12 crores during the period of investigation, all the assets of his client as well as his relatives have been disclosed to the investigating officer.

Arguments of investigating officer and the learned advocate of the state Mr. P R Chaudhary.

21. The learned advocate has argued that the accused is involved in the present case and there are chances that the accused might abscond and therefore the accused must be kept in the judicial custody and should not be released on bail in the present case.

REASONS AND FINDINGS

22. Having heard the arguments advanced by the learned advocates on record and taking into consideration oral submissions and written bail application and after perusal of the documents on record in the opinion of this court and in the interest of justice and in the present facts and circumstances of

this case the present bail application deserves to be “allowed”. Following are the findings and reasons for the same.

23. **The first convincing ground to allow the present application is, the FIR was made on dated 1st august 2025 and he was arrested on dated 14th march 2026, there is a delay of 8 months. Why there is a delay of 8 months? No such explanation is put forth by the investigating officer.**
24. **The second convincing ground to allow the present application is, Since 8 months investigation is going on and the IO himself has admitted the fact that the applicant-accused has remained present from time to time before the IO and there is no instance where the accused has disregarded the call/summons of police officer IO.**
25. **The third convincing ground to allow the present application is that not a single penny is recovered from the accused out of total allegations of Rs. 12 crores since 8 months.**
26. **The fourth convincing ground to allow the present application is that the Godrej company valia which is victim in the present case has not preferred any civil suit against the employee accused for recovery of money of RS. 12 crores.**
27. **The fifth convincing ground to allow the present application is that the loss of Rs. 12 crore is only a mere bookish**

loss and no such CCTV images/footages are recovered by the IO to show that the missing materials worth RS. 12 crores are taken away by the employee only.

28. the sixth convincing ground to allow the present application is that none of the essential ingredients of offence of criminal breach of trust are made out by the complainant in the FIR.

29. the seventh convincing ground to allow the present application is that the employee was never working in the sales department and has no power to sell the goods. Since the employee himself has no power to sell the goods the allegation that he sold the goods worth Rs. 17 crores at Rs 4 crores and caused losses to the company to the tune of Rs. 12 crores is misleading.

30. The eighth convincing ground to allow the present application is that even if the allegations of the victim company are believed to be true it is a case of mere misconduct/mere negligence is done by the ex-employee that gives rise to a civil nature or a tortious act and there is no prima facie violation of any offence of the Bhartiya Nyay Sanhita or the information technology act.

31. it is true that that there is no further need of the accused person in custody and the investigation is in progress, Hence

there are justifiable grounds and this court is inclined to exercise its discretion in favour of the applicant-accused and in the interest of justice following order is passed.

FINAL ORDER

1. The present bail application is allowed subject to the following conditions.

CONDITIONS

2. The accused applicant is directed to submit self bond and surety bond to the tune of RS. 90,000/-
3. The applicant-accused shall remain present during trial on every date.
4. The accused is directed to give a undertaking that he will cooperate with the trial proceedings and will remain present for trial as well as will remain present for investigation
5. The accused shall submit his passport or should file affidavit if he is not possessing the same.
6. The accused shall submit the address pursis along with the mobile numbers.

Pronounced in the open Court today on this 18th march 2026.

(Bharat Ramchand Lakhwani)

In charge Judicial magistrate first class, valia

Judge Code-GJ01711.