

GJNV010014402026 		Presented on :30.05.2026 Registered on :30.05.2026 Decided on : 04.06.2026 Duration :YY MM DD 00 00 05
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**IN THE COURT OF 2nd ADDITIONAL SESSIONS JUDGE OF
NAVSARI, AT NAVSARI.
(Presided by Mr.C.G.Mehta)**

Navsari Town Po. St. Part-A-C.R.No.11822019240738/2024:-

Criminal Misc.(Bail) Appl.No.569/2026 :-

Exh. 6

Applicant/ : **Vivekbhai S/o.Navneetbhai Dalubhai Patel,**
Accused Aged 32 years, Occ.Visa Consulting,
At present resi.at.Flat No.502,
Harmony Apartment, Opp.Sushrusha
Hospital, Vijalpore, Tal.Jalalpore,
Dist.Navsari.

VERSUS

Opponent : **The State of Gujarat.**
Complainant (Notice to be served upon the Public
Prosecutor Navsari).

Ld. Adv. Mr.V.A.Naik, for the applicant.
Ld.APP Mr.B.G.Gupta, for the State.

Regular bail application u/s.483 of B.N.S.S.

// J U D G M E N T //

1. The present application has been preferred by the applicant-accused seeking regular bail for the alleged commission of the offence registered by Navsari Town Police Station Part-A-C.R.No.1182201924-0738/2024,

punishable under Sections 406, 420, 465, 468, 471, 120(B) of I.P.C.

2. The short facts leading to the present application is that, one complaint has been lodged by Navsari Town Police Station Part-A C.R.No.1182201924-0738/2024, punishable under Sections 406, 420, 465, 468, 471, 120(B) of I.P.C., and pursuant to the registration of the aforesaid offence, the applicant-accused was arrested and therefore, the present application has been filed to release the applicant-accused on regular bail.

3. Learned Advocate for the applicant-accused has stated that the applicant-accused has not committed any such offence as alleged in the complaint and he has been falsely implicated in the alleged offence and he is totally innocent. That, after the chargesheet is filed, the co-accused of this offence, Navika W/o.Vivekkumar Navneetbhai Patel has filed application before the Hon'ble High Court being No.Cri.Misc.Appl.No.3389/2026 and the same was granted by Hon'ble High Court on 10.03.2026. Hence, on the ground of parity, the applicant-accused should be released on bail. The Ld.Advocate for the applicant-accused has also relied upon judgment reported in the case of **Ramesh Babu Dabhi V/s. State of Gujarat reported in G.L.R.2000(3) Page No.1999**, wherein it has been held that when the superior Courts have granted bail to the co-accused, subordinate Courts are duty bound to consider same and apply if same set of facts exists

unless there being any extraordinary circumstances of striking dissimilarities exist to deviate from rule of parity. That, looking to the facts of the case, no fraud or betrayal of trust with the complainant or witnesses by the applicant-accused is being committed. That, the investigation is complete and chargesheet has already been filed and hence, there is no need of further judicial custody of the applicant-accused. That, much time will be taken in commencement and conclusion of the Trial. That, the offence is triable by Magistrate and there is no punishment of life imprisonment and death. That, the applicant-accused is local resident of Navsari district, and if he is released on bail, he give assurance that he will not flee away and he will abide by all the conditions imposed while granting the bail application. That, the applicant-accused is shouldering the responsibility of his family and if he is kept in jail for a long time, his family will have to suffer. The applicant-accused has also submitted that, he will abide by all the conditions imposed in the bail application. With the aforesaid contentions, the Ld.Advocate for the applicant-accused has prayed to release the applicant-accused on bail by imposing appropriate conditions.

4. Notice was duly issued to the State. Learned APP appeared on behalf of the State and filed an Affidavit duly signed by the I.O. at **Exh.5** and strongly opposed the bail application. It is case of the prosecution that the co-

accused (1) Navikaben W/o.Vivekbhai Navneetbhai Patel and applicant-accused no.(2) Vivekkumar Navneetbhai Patel, being husband and wife, who opened an offence named Flying Duck Overseas at Shop No.251-252, Central Bazaar, opposite Vidyakunj School, Navsari, and wanted accused no.(3) Kunal Sakaria, originally from Surat but at present London, have in conspiracy with each other during the period from 10.04.2023 to 12.06.2024, obtained total of Rs.1,54,46,062/- from a total of 33 people, submitted fake sponsor letters of the complainant and some witnesses to the embassy, got their visas rejected, got them banned for ten years for London visas, committed the crime of betrayal of trust and fraud. Therefore, there is a prima facie case against the applicant-accused and hence, he should not be released on bail. Therefore, taking into account the gravity of the offence, it is submitted that present bail application may be rejected.

5. I have heard the rival submissions of the Learned Counsel for the applicant-accused, as well as Learned APP for the State and perused entire record along with affidavit of the I.O. and FIR. It is the case of the prosecution that the present applicant has committed offence punishable under Sections 406, 420, 465, 468, 471 and 120(B) of I.P.C. It is well settled principle of law that while considering an application for bail, the Court is not expected to conduct a roving inquiry into the merits of the case. It appears that,

after the chargesheet is filed, the co-accused of this offence, Navika W/o.Vivekkumar Navneetbhai Patel has filed application before the Hon'ble High Court being No.Cri.Misc.Appl.No.3389/2026 and the same was granted by Hon'ble High Court on 10.03.2026. The role of the present applicant-accused and the co-accused released on bail are the same. Hence, on the ground of parity, the applicant-accused should be released on bail. Considering the principles laid down by the Hon'ble Apex Court in the case of *Sanjay Chandra Vs. CBI (2012) 1 SCC 40* , this Court is conscious of the fact that, "*bail is a rule and jail is an exception*". The applicant/accused is in custody since 10.03.2026. The object of bail is not punitive but to secure presence of accused. It appears that charge sheet has already been filed and criminal case is registered. The prosecution has not shown any material to indicate that the applicant/accused is likely to abscond or tamper with the witness, if released on bail. Hence, at this juncture, without commenting anything on the merits of the case, the discretionary power is utilized in favour of the applicant-accused. In view of the above discussion, following order is passed:-

ORDER

- (1) The present CRMA No.569/2026 preferred by applicant-accused **i.e.Vivekbhai S/o.Navneetbhai Dalubhai Patel**, for regular bail is hereby **allowed**.
- (2) The applicant-accused be released on bail for the offences registered at Navsari Town Police Station

Part-A-C.R.No.11822019240738/2024, punishable under Sections 406, 420, 465, 468, 471, 120(B) of I.P.C, on furnishing bond in sum of **Rs.1,00,000/- (Rupees One Lac)** with surety of like amount on following conditions:

- (a) The applicant shall not give any promise, threat or inducement to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or any police officer;
- (b) The applicant shall not leave the territory of India without prior permission of the trial Court and surrender his passport before trial Court within **one week** and if applicant is not having passport the proper affidavit must be filed before trial Court.
- (c) The applicant shall give his correct permanent residential address, mobile numbers, identity proof to the police.
- (d) The applicant shall not involve himself in similar type of another offence.
- (e) The applicant shall not obstruct or hamper the police investigation and not play mischief with the evidence collected or yet to be collected by police.
- (f) The applicant shall not act in the manner injurious to the interest of the prosecution.
- (g) If any of the above conditions are violated, the order for releasing the applicant on bail will be considered as **cancelled**.

- Yadi be issued to the concerned Court & Police Station.
- Bail bond executed before the concerned trial Court.

Signed and pronounced in the open Court today on this
04th day of June, 2026 at Navsari.

Date : 04.06.2026
Place: Navsari.

(**Chinmay Ghanshyambhai Mehta**)
I/c.2nd Additional Sessions Judge,
Navsari.
UID. No.GJ 00534.

jas/-