

GJVD010021892026



Received on 20/03/2026
Registered on 20/03/2026
Decided on 30/03/2026
Duration 00 00 11
YY MM DD

Cr.M.A.(Regular bail) No.903/2026**Ex:_____**

**IN THE COURT OF 10TH ADDITIONAL SESSIONS
JUDGE, AT: VADODARA.**

Applicant /Accused:

Gamesh Dungarbhai Rathwa
R/o. Nishan Faliyu,
Palasda, Panvad,
Vadodara

At Present:-

In Central Jail,
Vadodara

Versus**Opponents :**

The State of Gujarat

APPEARANCE :

- Ld. Advocate Mr.D.P. Makwana for the applicant/Accused.
- Ld. A.P.P. Mrs. S.K.Trivedi for the State.

Application for U/s. 483 of BNSS for regular bail

: J U D G E M E N T :

- 1) By way of filing this application, the applicant seeks to enlarge him on regular bail in connection with an offence registered with Bapod Police station, Vadodara vide CR No.11196002250431/2025 for the offences punishable U/s. 316(2), 318(3), 338, 336(3), 340(2), 61(2) of B.N.S. inter alia contending that accused was arrested on 11.03.2026 and after remand period he is under the judicial custody.
- 2) On being served with process, the Ld. APP appeared for the state and Investigating officer has submitted his affidavit at Exh.4.
- 3) Ld. Advocate for the applicant- accused has submitted that the applicant, had preferred bail application being Cr.M.A. No.2151/2026 before the Ld. Trial Court which came to be rejected on 17.03.2026 and this is his first bail application before the Sessions Court; that the applicant is innocent and has not committed the alleged offence; that he has been falsely implicated; that offence is triable by Magistrate and punishment of alleged offence is not life time imprisonment; that there is no possibility to conclude the trial in near future; that there is no possibility to temper the evidence or intimidating the witness; that he is permanent resident of Vadodara District and has a roots to the society; that there is a delay of 1 year in lodging of FIR and no explanation is offered for it; that the other co-accused namely Mayankbhai Pravinbhai Rathava has been

released on bail by the Hon'ble High Court of Gujarat; that benefit of the parity be granted to the present applicant. Therefore, it is prayed to enlarge the accused on regular bail on suitable conditions which deems just and proper to the Court.

- 4) *Per contra*, the Ld. APP has submitted that applicant has committed the alleged offence; that there is prima facie case; that accused persons, on the pretext of giving job to the complainant, her brother Adil, her husband Rifakat, and the complainant's cousin Shahid and cousin Roseman in various Government posts and in Baroda Dairy and fabricated the appointment letter, training letter, permanent job letter and recruitment list letter of Vadodara District Cooperative Milk Production Union Ltd. and presented it as genuine, and committed a forgery, breach of trust by obtaining a total of Rs. 39,00,000/- from the complainant and her aunty Roshan Jahan wife of Imdadali Sanghi. Therefore, it is submitted that discretionary power may not be exercised in the favour of applicant.
- 5) Heard the Ld. advocates for the parties and perused the record and affidavit along with the police papers.. Original complainant has also appeared through his Ld. Advocate and filed an affidavit objecting the grant of bail application of the applicant. I have also gone through the affidavit filed by the complainant. It appears from the FIR that the accused persons in a criminal conspiracy, on the pretext of

appointing the complainant, her brother Adil, her husband Rifakat, and the complainant's cousin Shahid and cousin Roseman to various Government posts in Baroda Dairy had falsely forged/fabricated the appointment letter, training letter, permanent job letter and recruitment list letter in the name of the complainant of Vadodara District Cooperative Milk Production Union Ltd. and using it as genuine, and committed a forgery and breach of trust and thereby cheated the complainant and her relatives by obtaining a total of Rs. 39,00,000/- from the complainant and her aunt Roshan Jahan wife of Imdadali Sanghi. This is the crux of the allegation in the F.I.R.

- 6) It is important to note that, the present applicant / accused has been arrested on 11.03.2026 and chargesheet has been filed against the co-accused persons who were arrested earlier. It is also pertinent to note that, the other co-accused namely Mayankbhai Pravinbhai Rathava has been released on bail by the Hon'ble High Court of Gujarat and the role of the present applicant / accused is not graver than the co-accused released on bail and in view of the same on the ground of parity the application of the present applicant deserves consideration.
- 7) This court has taken into consideration the ratio laid down by the Hon'ble Apex Court in the case of *(1) Sanjay Chandra Vs. CBI, reported in (2012) 1 SCC 40*, *(2) Arneshkumar vs. State of Bihar: (2014) 8 SCC 273* and

(3) Satenderkumar Antil Vs. CBI: reported in (2021) 10 SCC 773. and moreover, this court has also considered the provisions of sec.483 of Bharatiya Nagrik Suraksha Sanhita, 2023.

- 8) Therefore, considering all the facts and circumstances discussed herein above and even on the ground of parity, this Court is of the opinion that the case of the present applicant/accused is an appropriate case to exercise the discretionary power under Section 483 of the B. N. S. S. in favour of the present applicant/accused hence, the following order:

ORDER

1. The application of the present applicant/accused to grant Regular Bail is hereby "Allowed".
2. The applicant namely **Gamesh Dungarbhai Rathwa** is hereby ordered to be enlarged on regular bail in connection with an offence registered with Bapod Police station, Vadodara vide CR No.11196002250431/2025 for the offences punishable U/s. 316(2), 318(3), 338, 336(3), 340(2), 61(2) of B.N.S. upon furnishing one surety of the sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) before Ld. Trial/Committal Court having jurisdiction and on executing the personal bond of like amount and subject to the following conditions that :

Applicant shall -

- not take undue advantage of liberty or misuse liberty;
- Shall not influence the witnesses in any manner and by whatsoever means or not to temper any evidence.
- not act in a manner injurious to the interest of the prosecution;
- surrender passport, if any, to the Ld. Trial Court within a week and if not having passport file affidavit within seven days;
- not to leave India without prior permission of the Ld. Trial Court;
- furnish latest address of residence (along with proof of 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 the Ld. Trial Court;
- Bail bond to be executed before the Ld. Trial Court having jurisdiction.
- File an affidavit stating his immovable properties whether self acquired or ancestral with description, location and present value of such properties before the Trial Court, if any.

3. Needless to say that the observation made herein above is a preliminary nature while deciding limited issue of bail and will not come in way in a later stage of proceedings/trial.

4. Yadi be sent to all concerned for knowledge, information and compliance.
5. Trial Court shall be at liberty to delete, modify and/or relax any of the above conditions, in accordance with law.

Signed and pronounced in open Court
on this 30th day of March, **2026.**

Date : 30/03/2026
Place: Vadodara.

(Ghanshyam Jayantbhai Thoria)
10th Addl. Sessions Judge,
Vadodara
UID Code No. GJ00842

BKSajani