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**IN THE COURT OF 3RD ADDITIONAL SESSIONS JUDGE,
DISTRICT COURT AT GANDHINAGAR**

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Exh.06

Criminal Miscellaneous Application No.499/2025

Applicant :

Jaimin Bharatbhai Patel
Age : 27 years, Occupation : Service,
Residing at : D-404, Saral Heights Co-Operative Housing
Society Limited,
Village : Kudasan, Taluka & District : Gandhinagar.

Versus

Opponent :

The State of Gujarat,
Through Public Prosecutor,
Office of District Government Pleader,
District Court, Gandhinagar.

Sub : An application for regular bail U/S. 439 of CRPC

Appearance:

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Learned Advocate Mr.S.H.Chaudhary for the applicant.
Learned Public Prosecutor Mr.H.N.Raval for opponent.

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J U D G M E N T

[1] Present application has been filed by applicant to enlarge the applicant-accused on regular bail in connection with Part A F.I.R.No.11216011240627/2024, registered with Infocity Police Station, under section – 406, 420, 465, 467, 468, 506(1) and 114 of IPC.

[2] On service of notice, Learned P.P. Mr.H.N.Raval has appeared on behalf of opponent and the I.O. has submitted objections on affidavit at Exh.5.

[3] Learned Advocate Mr.S.H.Chaudhary for the applicant has submitted that applicant is innocent and falsely implicated in this case. Applicant has lodged complaint against complainant on 09.06.2024, complainant has filed application on 13.07.2024 to lodge complaint against applicant, which culminated into FIR after lapse of period about 5 months. Complainant has stated in the complaint that he is doing business in the name and style of Manki Enterprise, of hardware, actually, complainant is not partner or proprietor of Manki Enterprise. Applicant is permanent resident of address mentioned in the cause title. Applicant is not having any criminal antecedents. Father of

applicant is died and her mother is suffering from hyper tension, high-low blood pressure, having fracture on right hand, she is not having good physical and mental condition since 2022 and for that she is taking medical treatment and medicines, there is none to take care of applicant's mother. Applicant will not flee from justice. Applicant will not hamper or tamper with evidence, witnesses and complainant. Investigation is over and charge-sheet is filed. It is submitted that applicant is ready and willing to abide by terms and conditions imposed by the Court and urged to allow the regular bail application.

[4] On the other hand, Learned P.P. Mr.H.N.Raval appearing for the opponent-State has submitted that application for anticipatory bail vide CRMA No.1792/2024 and application for regular bail vide CRMA No.10/2025 and 365/2025 filed by co-accused were already rejected. Applicant by way of making breach of trust agreed complainant to make investment and thereafter transferred amount of Rs.66,96,620/- in his account and also agreed complainant to deposit some amount in the account of accused No.2 and 3. Thus, applicant is involved in the grievous offence, if applicant is released on bail then applicant may hamper or tamper with evidence, witnesses.

Applicant will not remain present during trial in the alleged offence before the Court. Applicant may flee from justice. He has urged to reject the application.

[5] I have heard the learned advocates for the respective parties. I have also gone through the papers and perused the entire record and examined the case materials available on record.

[6] From the police papers and the affidavit of the I.O., it appears that applicant has created false statement of Bank of Baroda to deceive the complainant and sent it to complainant by whatsapp and made cheating with complainant of Rs.1,30,36,620/- alongwith co-accused. Applicant is involved in the serious offence, if applicant is released on bail then applicant may hamper or tamper with evidence, witnesses and complainant. Applicant will not remain present during trial in the alleged offence before the Court. Applicant may flee from justice.

[7] Having heard learned advocates appearing on behalf of the respective sides and having given anxious thought and consideration to various contentions put forward by

the respective parties, it appears that a case is for regular bail is not made out.

It is well settled that at the stage of deciding bail application, a detailed examination of the evidence and elaborate documentation of the merits of the case has not to be undertaken. Considering the entire police papers, considering the contentions of FIR, this is not a fit case to exercise discretionary powers in favour of the accused at this stage. Hence, considering the peculiar facts of the present case, in the interest of justice, I pass the following final order.

ORDER

1. Present application is hereby rejected/disallowed.

Order pronounced in open court on 7th April, 2025.

Date : 07.04.2025.
Gandhinagar.

(D.K.Soni)
3rd Additional Sessions Judge,
Gandhinagar.
Code No.GJ00729

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