

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CRIMINAL MISC.APPLICATION (FOR REGULAR BAIL - AFTER
CHARGESHEET) NO. 404 of 2026**

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RAHUL ARVINDBHAI PANCHAL

Versus

STATE OF GUJARAT

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Appearance:

MR KEVAL DHOLAKIYA FOR MR P P MAJMUDAR(5284) for the Applicant(s) No.
1

MR JK SHAH ADDITIONAL PUBLIC PROSECUTOR for the Respondent(s) No. 1

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CORAM:HONOURABLE MR. JUSTICE NIKHIL S. KARIEL**Date : 02/04/2026****ORAL ORDER**

1. Heard learned Advocate Mr. Keval Dholakiya for learned Advocate Mr. P.P. Majmudar on behalf of the applicant, learned Additional Public Prosecutor Mr. J.K. Shah on behalf of the respondent-State and learned Advocate Mr. Maulik Soni on behalf of original complainant.

2. **Rule.** Learned APP waives service of rule on behalf of the respondent-State.

3. The present applicant who has been arraigned as accused has preferred this application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 for enlarging the applicant on Regular Bail in connection with FIR being **C.R. No. 11199010250622 of 2025 registered with Bharuch City 'A' Division Police Station, District: Bharuch** for the offence punishable under Section 318(4) of the Bhartiya Nyay Sanhita, 2023 after filing of the charge-sheet.

4. Learned Advocate on behalf of the applicant would submit that considering the role attributed to the present applicant and nature of allegations levelled, this Court may consider releasing the applicant on regular bail. It is further submitted that since the charge-sheet is filed no useful purpose would be served by keeping the applicant in jail for indefinite period. It is further contended that the applicant is ready and willing to abide by all the conditions that may be imposed by this Court if released on bail.

5. The present application is vehemently objected to by learned Additional Public Prosecutor by submitting that looking to the nature of offence, role attributed to the present applicant and since the charge-sheet has been filed, this Court may not interfere at this stage.

6. This Court has heard learned Advocates for the respective parties and perused the FIR including charge-sheet papers as well as order passed by learned Session Court as well as affidavit filed by the investigating officer before the learned Trial Court. Following aspects are considered:

(i) The allegation being that the accused had defrauded the complainant by luring the complainant to invest with the applicant and whereas thereafter the applicant not having returned the money or the returns on investment.

(ii) The fact of the entire fraud committed by the applicant, coming to around Rs. 1.60 Crores approximately.

(iii) It would also appear that apart from the complainant there are other persons whom the applicant had defrauded.

(iv) Having observed as above, this Court also takes into consideration the fact that the allegation against the present applicant is of committing offence under Section 318(4) of the BNS and whereas the offence being magistrate triable and whereas since it appears that applicant is in custody since 27.09.2025, the charge-sheet having been filed by the Investigating Officer and the applicant not having any antecedents, this Court is inclined to consider the present application.

(v) This Court has also taken into consideration the voluntary statement the statement made by learned Advocate Mr. Dholakiya on behalf of learned Advocate Mr. P.P. Majmudar for the applicant that the applicant has shown his bonafides to deposit an amount of Rs. 15,00,000/-with the learned Trial Court without prejudice to his rights and contentions.

7. This Court has taken into consideration the law laid down by the Hon'ble Apex Court in the case of **Sanjay Chandra v. Central Bureau of Investigation** reported in **[2012] 1 SCC 40**.

8. In the facts and circumstances of the case and considering the nature of the allegations made in the First Information Report, without discussing the evidence in detail, prima facie, this Court is of the opinion that this is a

fit case to exercise the discretion and enlarge the applicant on regular bail.

9. Hence, the present application is allowed. The applicant is ordered to be released on bail in connection with FIR being **C.R. No. 11199010250622 of 2025 registered with Bharuch City 'A' Division Police Station, District: Bharuch** on executing a bond of **Rs.1,00,000/- (Rupees One Lac only)** with one surety of the like amount to the satisfaction of the trial Court and subject to the conditions that he shall;

- [a] As a pre-condition for the release of the present applicant an amount of Rs. 5,00,000/- (Rupees Five Lac Only) shall be deposited with the learned Trial Court.
- [b] file an undertaking within a period of one week from the date of his release before the learned Trial Court to effect that the applicant to deposit the remaining amount of Rs.10 Lacs within a period of two months days from the date of his release.
- [c] Any default in paying the remaining amount within the time stipulated in the undertaking i.e two months would entitle the learned trial Court to take appropriate steps including for cancellation of present bail albeit after giving notice to the applicant.
- [d] the amount of Rs. 15 Lacs be invested in a Fixed Deposit Receipt, earning reasonable returns and whereas the learned trial Court shall decide as regards the apportionment/appropriation thereof as per the final decision of the trial.
- [e] upon depositing the amount of Rs. 5 Lacs, the learned trial Court

to issue process for release of the present applicant.

- [f] not take undue advantage of liberty or misuse liberty;
- [g] not act in a manner injurious to the interest of the prosecution;
- [h] surrender passport, if any, to the lower court within a week;
- [i] not leave the State of Gujarat without prior permission of the Sessions Court concerned;
- [j] Mark his presence at the concerned Police Station once in a month for a period of six months.
- [k] furnish the present address of residence to the I.O. and also to the Court at the time of execution of the bond and shall not change the residential address without prior intimation to the IO.

10. The Authorities will release the applicant only if he is not required in connection with any other offence for the time being. If breach of any of the above conditions is committed, the Sessions Judge concerned will be free to take appropriate action in the matter.

11. Bail bond to be executed before the lower court having jurisdiction to try the case. It will be open for the concerned Court to delete, modify and/or relax any of the above conditions in accordance with law.

12. At the stage of trial, the trial court shall not be influenced by any

observations of this Court which are of preliminary nature made at this stage, only for the purpose of considering the application of the applicant for being released on regular bail.

13. The application is allowed in the aforesaid terms. Rule is made absolute to the aforesaid extent. Direct service is permitted.

(NIKHIL S. KARIEL,J)

NIRU

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: NIRU ROSHAN SHAH(HC00211), PRINCIPAL PRIVATE SECRETARY, at High Court of Gujarat on 02/04/2026 18:43:11