

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/CRIMINAL MISC.APPLICATION (FOR ANTICIPATORY BAIL) NO. 2791
of 2026**

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NIKULBHAI DAHYABHAI PATEL
Versus
STATE OF GUJARAT

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Appearance:

MR NK MAJMUDAR(430) for the Applicant(s) No. 1
MR. ROHAN N MAJMUDAR(14000) for the Applicant(s) No. 1
MR ATIT D THAKORE(5290) for the Respondent(s) No. 1
MR. ANIL P JAGANI(6729) for the Respondent(s) No. 1
MR YUVRAJ BRAHMBHATT, APP for the Respondent(s) No. 1

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CORAM:**HONOURABLE MR.JUSTICE P. M. RAVAL**

Date : 23/03/2026

ORAL ORDER

1. The applicant before this Court is seeking bail in anticipation of his arrest pursuant to FIR being C.R. No.11199010250937 of 2025, dated 11.09.2025, registered before City A-Division Bharuch Police Station, District: Bharuch, for the alleged offence punishable under Sections 316(5) and 3(5) of the Bharatiya Nyaya Sanhita, 2023.

2. It appears that the applicant is also facing one criminal antecedent bearing CR No.0163 of 2014 registered before Mahidharpura Police station, District : Surat for offence alleged to have been committed under Sections 406 and 420 of the IPC.

3. Learned advocate Mr.N.K. Majumar would submit that the role of the present applicant is similar to that of Nitinbhai D.

Patel, who has already been enlarged on anticipatory bail by this Court vide order 03.12.2025 passed in Criminal Misc. Application No.22765 of 2025. Therefore, he has argued to allow the present application.

3.1. Learned advocate for the applicant would further submit that the only allegation against the present applicant is that he was having experience of working with Angadia firm, viz. S.G. Enterprises, Ankleshwar, and that at the instance of accused No.1- Hardik Patel, the present applicant started working with an Angadia firm at Bharuch, as stated herein above. Since the applicant was working with the Angadia firm, viz. S.G. Enterprises, situated at Ankleshwar, the applicant has nothing whatsoever to do with the lodgement of offence alleged to have been committed with the Angadia firm, viz. S.G. Enterprises, at Bharuch. The present applicant is also not seen in the CCTV footage with accused No.1 - Hardik Patel, nor has the applicant received any benefit of the alleged incident, and there is no nexus with the said offence, nor has the applicant derived any benefit from any transaction. He has, therefore, argued that this application be allowed.

3.2. Learned advocate would further submit that the applicant happens to be the brother of accused No.1- Hardik Patel, who has been enlarged on regular bail, and that, except for the statement of the co-accused, there is nothing in the charge-sheet to point out as to how the role of the present applicant has surfaced. Hence, the present application be allowed.

3.3. Learned advocate would further submit that the FIR came to be registered after three months and there is no explanation whatsoever for such delayed registration. He would further submit that even on perusal of the FIR, it can be easily inferred that the allegations give rise to a purely civil dispute, and that FIR is lodged with an ill intention to extract the money from the present applicant and is nothing but a pressure tactic to compel the applicant to succumb to the terms and conditions of the complainant. He would further submit that the applicant is an innocent person, who has been wrongly roped in the FIR and that no prima facie is brought on record in the charge-sheet against the present applicant. Hence, he has argued to allow the present application.

4. Learned APP Mr. Pranav Dhagat would submit that the

applicant was in constant touch with his brother, who is the main conspirator and that after siphoning off an amount to the tune of Rs.74 lakhs, the present applicant along with two other co-accused (three in all) have fled away to Rajasthan with the alleged amount, which is yet to be recovered. Thus, custodial interrogation is necessary for the present applicant and that the present applicant's name is reflected in Column No.2 as an absconder in the charge-sheet, which is already submitted before the competent jurisdictional Magistrate. Hence, the present application be dismissed.

4.1. Learned advocate Mr.Atit Thakore would submit that an application was already preferred before the competent police Station on 8th July, 2025 since accused had promised to return the money within a short span, and thus, the lodging of the FIR cannot be said to be belated. Thus, it is further argued that merely because accused No.1 has deposited Rs.5 lakh as a pre-condition and has agreed to deposit Rs.10 lakhs after some time, and the present applicant has also shown his willingness, is not a ground to allow the present application. Thus, he has argued to reject the said application.

5. Having heard the learned advocate for the respective parties and having perused the report submitted by the Investigating Officer, including the case papers, this Court is not inclined to consider this application for the following reasons :

(i) It transpires that accused No. 1- Hardik Patel, who has been granted regular bail after the submission of the charge-sheet, has in his statement revealed the prima facie involvement of the present applicant. Although the applicant's presence is not found in the CCTV footage, the CDR details placed on record reflect that he was in constant touch with his real brother, the original accused No. 1.

(ii) It also transpires that after the collection of the money from original accused No.1, the present accused fled to Rajasthan. The recovery of money, i.e., a sum of Rs.74 lakhs, is yet to be made.

(iii) It transpires from the record that there is no delay in the lodging of the FIR at this stage and that custodial interrogation is necessary. Merely because original accused No.1 – Hardik Patel has been granted

regular bail and Nitinbhai has been granted anticipatory bail, the case of both these accused stands on a different footing, since Hardik Patel's case was considered after the filing of the charge sheet, whereas the present applicant is shown as an absconder in column No.2 of the charge sheet filed before the concerned court. The role of accused No. 4, Nitinbhau stands on a different footing. The present applicant is in constant touch on telephone, and after committing the crime, has switched off his mobile phone, and is not available, as on today, and he is not cooperating with the investigation.

6. Under such circumstances, this court is not inclined to exercise his discretionary power in favour of the present application. Hence, the present application stands disposed of as rejected. Notice is discharged.

KUMAR ALOK

(P. M. RAVAL, J)

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: ALOK KUMAR(HC01091), PRIVATE SECRETARY, at High Court of Gujarat on 25/03/2026 15:20:07