

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/CRIMINAL MISC.APPLICATION (FOR REGULAR BAIL - AFTER
CHARGESHEET) NO. 3552 of 2026

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HARDIKBHAI DAHYABHAI PATEL
Versus
STATE OF GUJARAT

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Appearance:

MR.HITENDRA D RAJPUT(7224) for the Applicant(s) No. 1
MS RITU R GURU(5532) for the Applicant(s) No. 1
MR ATIT D THAKORE(5290) for the Respondent(s) No. 1
MR TRUPESH KATHIRIYA ADDL. PUBLIC PROSECUTOR for the
Respondent(s) No. 1

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CORAM:HONOURABLE MR. JUSTICE NIKHIL S. KARIEL

Date : 13/03/2026

ORAL ORDER

1. Heard learned advocate Mr. H. D. Rajput appearing on behalf of the applicant, learned Additional Public Prosecutor Mr. Trupesh Kathiriya appearing on behalf of the respondent-State and learned advocate Mr. Atit Thakore for the original complainant.
2. Rule. Learned APP waives service of rule on behalf of the respondent-State.
3. The applicant has filed 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. 11199010250937 of 2025 registered with A - Division Police Station, Dist. Bharuch, for the offence punishable under Sections 316(5) and 3(5) of the BNS.

4. Learned advocate for the applicant would submit that considering the role attributed to the applicant, and nature of the allegation levelled, the applicant may be enlarged 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. As against the same, learned Additional Public Prosecutor appearing for the respondent – State has vehemently objected to the grant of regular bail. Learned APP has submitted that looking to the nature of offence and the role attributed to the present applicant as coming out from the charge-sheet, this Court may not exercise the discretion in favour of the applicant and the application may be dismissed.

6. I have heard learned advocates appearing on behalf of the respective parties and perused the papers. Following aspects are considered:-

- (i) The allegation in the FIR being that the accused had conspired and defrauded the complainant, owner of an Angadia firm, of Rs.74 Lakhs approximately.
- (ii) The allegation being namely against one Nitin Dahyabhai Patel and whereas said accused having been enlarged on anticipatory bail by a learned Coordinate Bench vide order dated 03.12.2025.

The fact of that the applicant having been brought for employment by the said accused Nitin Patel, more particularly being the brother of the present applicant.

- (iii) The fact of the FIR having been filed approximately after 3

months of the incident in question.

- (iv) Considering the above, while this Court is inclined to allow this application, this Court has also considered the voluntary submission made by the learned advocate Mr. Rajput under the instructions that the applicant is ready and willing to deposit an amount of Rs.15 Lakhs with the trial Court, more particularly an amount of Rs.5 Lakhs as a pre-deposit and an amount of Rs.10 Lakhs within a period of 12 weeks from the date of his release.

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.**

7. In the facts and circumstances of the case and considering the nature of the allegations made against the applicant 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.

8. Hence, the present applications are allowed. The applicants are ordered to be released on bail in connection with F.I.R. registered as C.R. No. 11199010250937 of 2025 registered with A - Division Police Station, Dist. Bharuch, on depositing Rs.5,00,000/- (Rupees Fifteen Lakhs Only) as a pre-condition of release on bail with the learned Trial Court and on executing a bond of Rs.25,000/- (Rupees Ten Lakhs only) with one surety of the like amount to the satisfaction of the trial Court and on filing an undertaking that the applicant will deposit an amount of Rs.10,00,000/- (Rupees Ten Lakhs Only) before the Trial Court, within a period of twelve weeks from the date of his release and subject to the conditions that he

shall;

- [a] not take undue advantage of liberty or misuse liberty;
- [b] not act in a manner injurious to the interest of the prosecution;
- [c] surrender passport, if any, to the lower court within a week;
- [d] not leave the State of Gujarat without prior permission of the Sessions Court concerned;
- [e] 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 residence without prior intimation to the I.O.;
- [f] mark presence once a month for a period of six months before the concerned police station.
- (g) In case the above referred amount is not deposited within the stipulated time limit, it would be open for the Trial Court to take appropriate action in accordance with law.
- (h) Upon the amount being deposited, the same shall be invested in fixed deposit, and whereas, the learned Trial Court shall decide appropriately as regards apportionment / disbursement of the said amount, as per the final outcome of the trial.

9. 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 Court concerned will be free to take appropriate action in the matter.

10. 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.

11. 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.

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

Y.N. VYAS

(NIKHIL S. KARIEL,J)

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: YAGNESH NARENDRABHAI VYAS(HC00207), PRINCIPAL PRIVATE SECRETARY, at High Court of Gujarat on 16/03/2026 11:44:57