

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CRIMINAL MISC.APPLICATION (FOR REGULAR BAIL - AFTER
CHARGESHEET) NO. 4771 of 2026**

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RINKESHKUMAR GHANSHYAM PATEL**Versus****STATE OF GUJARAT**

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Appearance:**MR ANKIT V DIXIT(10019) for the Applicant(s) No. 1****MR SURAJ B MATIEDA(10499) for the Respondent(s) No. 1****MR KRUTIK PARIKH ADDL. PUBLIC PROSECUTOR for the Respondent(s)
No. 1**

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CORAM:HONOURABLE MR. JUSTICE NIKHIL S. KARIEL**Date : 25/03/2026****ORAL ORDER**

1. Heard learned advocate Mr.Ankit Dixit appearing on behalf of the applicant, learned Additional Public Prosecutor Mr.Krutik Parikh appearing on behalf of the respondent-State and learned advocate Mr. Suraj Matieda for the original complainant.

2. **Rule.** Learned APP waives service of rule on behalf of the respondent-State and learned advocate Mr. Suraj Matieda waives service of rule on behalf of the original complainant.

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. 11216011250108 of 2025 registered with Infocity Police Station, District: Gandhinagar** for the offence punishable under Sections 406, 420, 465, 467, 468 and 471 of the IPC.

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. Allegation against the present applicant being that the applicant had induced the complainant to fill up a tender for purchaser of certain articles of a University in which the present applicant was working as a Peon and the complainant having supplied the articles, the applicant having misappropriated the same and having not paid any amount for the same.

ii. Prima facie, it would appear that the complaint itself does not inspire confidence since the allegation being that the applicant as a Peon could induce a person who is in such a business, to fill up a tender and part with certain articles, without getting any formal purchase order from the concerned body, though it is alleged that the present applicant has given the complainant forged purchase order etc., yet, to this Court it would appear that the complainant prima facie had settled with the co-accused, more particularly, a 'C' summary report having been filed against the said co-accused basis a statement by the complainant dated 24.09.2025, that is approximately six months after the FIR had been filed, whereby there is a clear attempt to

ensure that one of the accused, is brought out from the clutches of the investigation whereas, the present applicant still remains in custody.

iii. To this Court, it would prima facie appear that the FIR, as noticed herein above not inspiring any confidence more particularly considering the fact that the incident happened somewhere in the year 2021 and the FIR having filed after four years, and the present applicant being in custody since 21.09.2025 and thereby being no antecedents against the present applicant, this Court is inclined to grant bail.

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 application is allowed. The applicant is ordered to be released on bail in connection with F.I.R. registered as **C.R. No. 11216011250108 of 2025 registered with Infocity Police Station, District: Gandhinagar** , on executing a bond of Rs.25,000/- (Rupees Twenty Five Thousand only) with one surety of the like amount to the satisfaction of the trial Court 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 in a month for a period of three months before the concerned police station.

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.

(NIKHIL S. KARIEL,J)

NAIR SMITA V./14-DB

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: SMITA VINU NAIR(HC00186), PRINCIPAL PRIVATE SECRETARY, at High Court of Gujarat on 25/03/2026 15:11:39