

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

**R/CRIMINAL MISC.APPLICATION (FOR REGULAR BAIL - BEFORE
CHARGESHEET) NO. 4571 of 2026**

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NITINBHAI MANOJBHAI PURSWAMI

Versus

STATE OF GUJARAT

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Appearance:

MR NL RAMNANI(2400) for the Applicant(s) No. 1

MS. A. N. RAMNANI (14156) for the Applicant(s) No. 1

MR JAY MEHTA ADDITIONAL PUBLIC PROSECUTOR for the Respondent(s)
No. 1

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CORAM:HONOURABLE MR. JUSTICE NIKHIL S. KARIEL

Date : 24/02/2026

ORAL ORDER

1. Heard learned Advocate Mr. N.L Ramnani on behalf of the applicant and learned Additional Public Prosecutor Mr. Jay Mehta on behalf of respondent- State.

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

3. The present applicant who has been arraigned as an 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. 11993006251552 of 2025 registered with A Division Gandhidham Police Station, Kachchh- East Gandhidham** for offences punishable under Sections 318(4), 336(2), 336(3), 338, 340(2) of the Bhatriya Nyay Sanhita, 2023 before filing of the

charge-sheet more particularly the application preferred by the applicants having been rejected by the learned Trial Court.

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 not 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, this Court may not exercise the discretion in favour of the applicant and the application may be dismissed.

6. This Court has heard learned Advocates for the respective parties and perused the FIR as well as order passed by learned Session Court as well as affidavit filed by the investigating officer before the learned Trial Court.

7. This Court has also considered the following aspects:

- (i) The allegation being that the applicant had connived with the co-accused and whereas had created a forged Power of Attorney whereby the original documents of the property were released by the bank from whom a loan had been obtained.

(ii) The fact that the present applicant, is a complete outsider to the transaction between the co-accused and the bank in question.

(iii) It also appears that the entire theory of Power of Attorney may be required to be considered, with a pinch of salt more particularly since the original documents which were mortgaged with the bank in question, showed the co-accused as owner of the property i.e the allegation being along the line that the owner of the property having forged a Power of Attorney of her husband, to get the original documents, which were in her name from the bank in question.

(iv) The present applicant being a person who was intended purchaser, appearing to have been wrongly roped in.

(v) The fact of the present applicant being in custody since 01.02.2026 without any antecedents.

8. 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.

9. 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.

10. Hence, the present application is allowed. The applicant is ordered to be released on bail in connection with FIR being **C.R. No. 11993006251552 of 2025 registered with A Division Gandhidham Police Station, Kachchh- East Gandhidham** 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] Mark his presence at the concerned Police Station once in a week till charge-sheet is filed and thereafter once in a month for a period of six months;

[f] 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 I.O.

11. 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.

12. 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.

13. 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 applicants for being released on regular bail.

14. 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 26/02/2026 12:04:39