

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CRIMINAL MISC.APPLICATION (FOR REGULAR BAIL - AFTER
CHARGESHEET) NO. 4427 of 2026**

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MANGILAL KALUBHAI PADHIYA (VANZARA)

Versus

STATE OF GUJARAT

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Appearance:

K G VANZARA(7622) for the Applicant(s) No. 1

MR YATIN SONI(868) for the Applicant(s) No. 1

MR NIRAJ SHARMA ADDITIONAL PUBLIC PROSECUTOR for the Respondent(s)
No. 1

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CORAM:HONOURABLE MR. JUSTICE NIKHIL S. KARIEL

Date : 23/02/2026

ORAL ORDER

1. Heard learned Advocate Mr. Yatin Soni on behalf of the applicant and learned Additional Public Prosecutor Mr. Niraj Sharma for the 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. 5 of 2025 registered with ACB Police Station, Surendranagar** for the offence punishable under Sections 7(a) and 13(2) of the Prevention of Corruption Act, 1988 (Amendment 2018) after filing of the charge-sheet.

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, 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. Following aspects are considered :

- (i) The offence under the provisions of Prevention of Corruption Act.
- (ii) The allegation against the applicant was of being Police Constable/ Writer i.e government employee and having sought for illegal gratification and having been caught red handed while receiving the same.

(iii) The fact of the applicant being in custody since 29.11.2025, and the charge-sheet having been laid by the Investigating officer.

(iv) The fact of the applicant being a government servant allaying any apprehension that the applicant would abscond from attending the trial;

(v) The fact of the applicant being suspended from service, allaying any apprehension that he would tamper or hamper with the investigation or influence the witnesses.

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 **C.R. No. 5 of 2025 registered with ACB Police Station, Surendranagar** on executing a bond of **Rs.50,000/- (Rupees Fifty Thousand)** 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 proposed residential address 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.
- [f] Mark his presence in the concerned Police Station once in a month for a period of six months.

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 24/02/2026 11:48:35