

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CRIMINAL MISC.APPLICATION (FOR REGULAR BAIL - AFTER
CHARGESHEET) NO. 4864 of 2026**

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VRUSHIL CHINUBHAI VOHERA

Versus

STATE OF GUJARAT

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Appearance:

MR EKANT G AHUJA(5323) for the Applicant(s) No. 1

MS JEMINI S PATEL(10140) for the Applicant(s) No. 1

MR NEEL P LAKHANI(10679) for the Respondent(s) No. 1

MS JIRGA JHAVERI, ADDL PUBLIC PROSECUTOR for the Respondent(s)
No. 1

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**CORAM:HONOURABLE MR.JUSTICE UTKARSH THAKORBHAI
DESAI****Date : 09/03/2026****ORAL ORDER**

1. The applicant came to be arrested by DCB Police Station, Surat for the offence registered vide Part A C.R. No. 11210015230104 of 2023 in connection with offence alleged to have been committed under Sections 409, 420, 120B and 114 of IPC. The applicant has preferred the present bail application under Section 483 of the BNSS, 2023 praying for regular bail after filing of the charge-sheet. The applicant is shown as accused no. 3 in the FIR

and the charge-sheet. The accused no. 1 is the brother-in-law of the applicant, whereas, accused no. 2 is the real sister of the applicant.

2. Heard learned advocate Mr. Ekant G. Ahuja for the applicant, learned advocate Mr. Neel Lakhani for the original complainant and learned APP Ms. Jirga Jhaveri for the respondent State.

3. At the outset, the applicant along with the accused nos. 1 & 2, namely, Sanjaykumar Bhimjibhai Soni and Pari Sanjaybhai Soni had duped the original complainant by luring him to invest in gold scheme by assuring him that, the said investment was safe and would earn huge profits. It is revealed that, the original complainant had paid Rs. 99 lakhs to the applicant and the other two co-accused in cash, as well as, by RTGS transfer. It is also mentioned that, the original complainant having demanded gold from the accused nos. 1 & 2, they had given false promises and assurances, and thereafter, the

applicant and both the co-accused had threatened the original complainant.

4. At this juncture, it would be appropriate to take note of the observations of the co-ordinate bench of the High Court in Criminal Misc. Application No. 17049 of 2023, which was preferred by the applicant for anticipatory bail. The bench, vide its oral order dated 20.10.2023 in paragraph nos. 5 & 6, had observed thus:

“5. Learned counsel appearing for the original complainant adopted the submissions made by learned APP and contended that, the applicant along with her sister and brother in law have hatched conspiracy and won the trust of the complainant by giving false promises to get huge return from the business and obtained Rs.50,00,000/- through RTGS and Rs.49,00,000/- through Angadiya firm and given assurance that they will give gold worth of Rs.99,00,000/- and it was further stated that they will invest said amount in the forex gold scheme and introduced themselves as big merchant in bullion market. Further, from the investigation papers, offence is made out against the applicant. **Nonetheless, going through the CDR, it clearly emerges that prior to commission of the offence, how the accused made pre-plan and how they manege police officials and how the entire**

offence is designed. During the investigation, it appears that by adopting such modus operandi and winning the trust of the complainant, an amount of Rs.120 crore is duped. Considering the fact that the alleged offence is in nature of white collar and socio-economic offence, for the qualitative investigation, custodial interrogation of the applicant is required.

6. Having heard the learned advocates for the respective parties and having gone through the evidence produced on record, it appears that the applicant in connivance with other accused, who are his sister and brother in law with an intention to lure the complainant, introduced themselves as big merchant in bullion market and obtained huge amount for the investment in a business. **It is needless to say that the applicant has played active role in the offence and allegation of abetment and conspiracy is also there.** So far conspiracy is there, hardly direct evidence would be available and it also may be inferred from the present circumstances. From the CDR also, conversation of call recording and involvement of the applicant is clearly revealed. So far question of applicability of Section 409 of the Indian Penal Code, 1860, is concerned, prima facie the applicant acted as an agent of the complainant."

[Emphasis Supplied]

5. It can be further noticed that, the accused no. 1 Sanjaykumar Bhimjibhai Soni was released by the

coordinate bench on regular bail after charge-sheet vide order passed in Criminal Misc. Application No. 7816 of 2024 on 09.05.2024, subject to necessary conditions. It is pertinent to observe that, one of the conditions in the said bail order was that, the accused no. 1 shall deposit an amount of Rs.79,85,000/- within three months from the date of his release. However, he had not deposited the said amount, and thereafter had preferred Criminal Misc. Application No. 1 of 2024 for modification/deletion of condition in Criminal Misc. Application No. 7816 of 2024, whereby, the co-ordinate bench by IA Order dated 20.09.2024 had extended the time to deposit the amount of Rs.79,85,000/- upto 30.09.2024, but, thereafter also, the accused no.1 had not deposited the said amount. It is pertinent to observe that, accused no. 2 Pari Chunilal Vora, the wife of accused no. 1 and sister of the applicant was granted anticipatory bail on humanitarian ground, since she was in her seventh month of pregnancy, at the relevant time.

6. It further transpires that, apart from the original complainant, there are as many as 7 other witnesses, who had paid huge sums of money to the applicant and the other two co-accused through Aangadia firm, however, were not repaid with gold as promised. The applicant and the other two co-accused had collected Rs.5,50,35,000/- from as many as 8 persons, including the original complainant.

7. The bail granted to the accused no. 1 has already been cancelled by the learned Sessions Judge of Surat vide order passed in Criminal Misc. Application No. 6297 of 2024, since he had committed breach of the bail condition imposed by the coordinate bench of the high court. At the cost of repetition, the coordinate bench of the High Court had already observed about the applicant along with the other two co-accused, having entered into a conspiracy prior to the commission of offence. This court is not in agreement with the submission of learned advocate Mr. Ahuja that, it were the accused nos. 1 & 2

who were only responsible in commission of the offence. The applicant herein, is equally responsible for the same. The applicant's involvement in the offence is writ large on the face of the charge-sheet.

8. Thus, this does not appear to be a fit case wherein discretion can be exercised in favour of the applicant. Accordingly, application is hereby rejected.

(UTKARSH THAKORBHAI DESAI, J)

DIVYA