

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

**R/CRIMINAL MISC.APPLICATION (FOR REGULAR BAIL - AFTER
CHARGESHEET) NO. 7069 of 2026**

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MANISHBHAI @ KUMAR S/O HARGOVANBHAI MOHANBHAI PATEL
Versus
STATE OF GUJARAT

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Appearance:

MR DA ZALA(5897) for the Applicant(s) No. 1
MR NIKHIL V PARIHAR(11754) for the Applicant(s) No. 1
MR. MAHENDRASINH U. ZALA(19437) for the Applicant(s) No. 1
MR KRUTIK PARIKH, ADDL PUBLIC PROSECUTOR for the Respondent(s)
No. 1

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**CORAM:HONOURABLE MR.JUSTICE UTKARSH THAKORBHAI
DESAI**

Date : 27/03/2026

ORAL ORDER

1. Heard learned advocate appearing on behalf of the applicant and learned APP appearing on behalf of the respondent-State.

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. 11209017250844 of 2025 registered with Himmatnagar Rural Police Station, Sabarkantha for the offence punishable under Sections 318(4) and 61(2) of the BNS, 2023.

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, the applicant is ready and willing to abide by all the conditions that may be imposed by this Court, if released on bail. Learned advocate, upon instructions, would also submit that the applicant is ready and willing to deposit Rs.9,50,000/- with the learned Trial Court, before his release from jail, out of which Rs. 2 lakhs shall be towards security deposit.

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 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 applicant is a permanent resident of Patan, hence would be available at the time of trial;
- ii. The allegation being that the main accused and other co-accused having conspired with each other, had defrauded persons who wanted visa for employment in other countries, and whereas, the main accused having taken substantial money from the complainant and other victims.
- iii. The fact that the applicant being shown as an employee of the main accused, the role coming out very

clearly from the affidavit of the investigating officer and the agreements were between the complainants/ victims with the main accused.

v. The applicant was implicated and arrested on the basis of the statements of witness no. 90 i.e. Mohammad Riyaz and witness no. 91 i.e. Rohit Udayan;

vi. The applicant was engaged only for the work of submission of papers which were sent by accused no. 1 i.e. Sikandar Lodha and accused no. 2 i.e. Samaan Lodha through aforesaid witness no. 90 and witness no. 91 to VFS center.

vii. The learned advocate, upon instructions having submitted that, prior to his release from the jail, the applicant is ready and willing to deposit amount of Rs. 9,50,000/- (Rs.7,50,000/- + Rs. 2,00,000/- towards security deposit), with the concerned trial court.

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 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.

9. Hence, the applicant is ordered to be released on bail in connection with F.I.R. registered as C.R. No. 11209017250844 of 2025 registered with Himmatnagar Rural Police Station, Sabarkantha, on executing a bail bond of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each 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, and if he does not possess a passport, he shall file an affidavit to that effect;

[d] not leave the State of Gujarat without prior permission of the Sessions Court concerned;

[e] furnish his present address of his residence to the I.O. and the Court at the time of execution of the bond and shall not change his residence without prior intimation to the I.O. and the court;

[f] mark his presence on every Friday before the concerned police station for two years.

[g] upon depositing the amount of Rs. 9,50,000/-, the learned trial court to process for release of the present applicant, if he is not required in any other offence.

[h] not indulge in similar kind of offence hereinafter, for which, he shall file affidavits before the concerned court and the police station.

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 Court concerned will be at liberty to take action in accordance with law.

11. Bail bond to be executed before the trial 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 competent 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 enlarging the applicant on regular bail.

13. The trial court at the completion of the trial shall decide about the disbursement of Rs. 7,50,000/- deposited by the applicant. However, the amount of Rs. 2 lakhs shall be repaid to the applicant at the end of the trial, without any further order from this court. Till then, the

entire amount be invested in a Fixed Deposit in any nationalized bank.

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

(UTKARSH THAKORBHAI DESAI, J)

DIVYA