

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/CRIMINAL MISC.APPLICATION (FOR REGULAR BAIL - AFTER
CHARGESHEET) NO. 7646 of 2026

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GANESHBHAI BABUBHAI NAYKA

Versus

STATE OF GUJARAT

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Appearance:

MR. DHARUVIN U MEHTA(9993) for the Applicant(s) No. 1

MR NIRAJ SHARMA, APP for the Respondent(s) No. 1

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CORAM:HONOURABLE MR.JUSTICE UTKARSH THAKORBHAI DESAI

Date : 06/04/2026

ORAL ORDER

1. Heard learned advocate appearing on behalf of the applicant and learned Additional Public Prosecutor 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. 11200038255165 of 2025 registered with Pardi Police Station, Valsad for the offence punishable under Sections 317(2), 317(4), 318(4), 61(2), 3(5) of the B.N.S., 2023 and Sections 66-C and 66-D of the I.T. Act.

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, further incarceration of the applicant will not benefit the Investigation Officer in any manner. 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 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 resident of Pardi, District – Valsad, hence would be available at the time of trial;
- ii. The applicant does not have any criminal antecedents;
- iii. The role of the applicant is pertaining to having used his mother-in-law – Kalavatiben's account for depositing the amounts of cyber fraud, for which he had received commission of Rs. 40,000/-;
- iv. The investigation being over, the charge-sheet has

been laid;

v. The apprehension of learned APP as regards bail, if granted to the applicant, he would once again commit such offences, can be put to rest by imposing stringent conditions;

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 present application is allowed. The applicant

is ordered to be released on bail in connection with F.I.R. registered as C.R. No. 11200038255165 of 2025 registered with Pardi Police Station, Valsad, on executing a bail 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 his passport, if any, to the trial court within a week, and if he does not possess a passport, he shall file an affidavit to that effect;

[d] not to leave District - Valsad without prior permission of the concerned Trial Court till the completion of trial;

[d] furnish the present address of his residence to the I.O. and to 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 Monday between 9:00 am to 11:00 am before the concerned police station till completion of the trial;

[g] not indulge in similar kind of offence hereinafter, for which, he shall file an affidavit 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 appropriate 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. The application is allowed in the aforesaid terms. Rule is made absolute to the aforesaid extent. Direct service is permitted.

(UTKARSH THAKORBHAI DESAI, J)

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