

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/CRIMINAL MISC.APPLICATION (FOR REGULAR BAIL - AFTER
CHARGESHEET) NO. 9775 of 2026

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MAHENDRABHAI VIRSINGBHAI DAMOR
Versus
STATE OF GUJARAT

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Appearance:
MR KULDIP K ACHARYA(10616) for the Applicant(s) No. 1
MR J K SHAH, APP for the Respondent(s) No. 1

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CORAM:HONOURABLE MR. JUSTICE NIKHIL S. KARIEL

Date : 27/04/2026

ORAL ORDER

1. Heard learned Advocate Mr. Kuldip K. Acharya appearing on behalf of the applicant and learned Additional Public Prosecutor Mr. J.K. Shah 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. 11821001200106 of 2020 registered with Randhikpur Police Station, District Dahod, for the offence punishable under Sections 406, 490, 420 of the India Penal Code, more particularly the applicant had been arrested on account of breach of condition No. 5(f), imposed by a learned Co-ordinate Bench of this Court

vide order dated 23.04.2021 in Criminal Misc. Application No. 3101 of 2021 while granting regular bail to the applicant, whereby upon the voluntary statement made by the learned Advocate for the applicant, the applicant was directed to deposit Rs. 5,33,880/- before the learned Trial Court within four weeks from date of his actual release. It would appear that the applicant did not file undertaking as required and had also not deposited the amount as stipulated and whereas it has been submitted by the learned Advocate that since there was a breach of the condition, appropriate proceedings had been undertaken and the bail granted had been cancelled.

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 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. I have heard learned advocates appearing on behalf of the respective parties and perused the papers. Following aspects are considered:-

i. The applicant having been arrested in connection with the aforesaid offence, had been released by the learned Co-ordinate Bench of this Court vide an order dated 23.04.2021 in Criminal Misc. Application No. 3101 of 2021, imposing the condition No. 5(f), whereby applicant was inter alia directed to deposit an amount of Rs. 5,33,880/- before the learned Trial Court within four weeks from date of his actual release, more particularly having regard to a voluntary statement made by the learned Advocate for the applicant that the applicant would be ready and willing to deposit such amount.

ii. It appears that the applicant had been released on regular bail vide the said order and whereas, since he could not comply with the said condition, the bail had been cancelled and the applicant is stated to be in judicial custody since 01.12.2023.

iii. This Court has also considered the submission of learned Advocate for the applicant that since the applicant was facing financial hardship and was not in a position to arrange the fund, he has no other option

but to remain in judicial custody since 01.12.2023 upon being arrested by the Investigating Officer.

iv. Though the present applicant has not complied with the said condition, considering the period of incarceration undergone post the order of this Court i.e. approximately two and half years, this Court is inclined to allow the application.

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.**

7. 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.

8. Hence, the present application is allowed. The applicant is ordered to be released on bail in connection with FIR being C.R. No. 11821001200106 of 2020 registered with Randhikpur Police Station, District Dahod, on executing a bond of Rs.5,000/- (Rupees 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] 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 residence without prior intimation to the I.O.;

9. 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 free to take appropriate action in the matter.

10. 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.

11. 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.

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

BDSONGARA

(NIKHIL S. KARIEL,J)