

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CRIMINAL MISC.APPLICATION (FOR REGULAR BAIL - AFTER CHARGESHEET) NO. 14895 of 2026**

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KAMLESH MAHADEVRAO URKUDAJI OZE
Versus
STATE OF GUJARAT

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Appearance:

MR VIRAT G POPAT(3710) for the Applicant(s) No. 1
MR SUDHIR NANAVATY, SENIOR ADVOCATE WITH MR P S
DATTA(11324) for the Respondent(s) No. 1
MR HK PATEL, APP for the Respondent(s) No. 1

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CORAM:HONOURABLE MR. JUSTICE HASMUKH D. SUTHAR

Date : 03/08/2026

ORDER

[1.0] RULE. Learned APP waives service of rule for the respondent-State.

[2.0] The present application is filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short "BNSS") for regular bail in connection with **FIR being C.R. No. 11208055250114 of 2025 registered with DCB Police Station, Rajkot City**, for the offences under Sections 406, 409, 120B, 34 and 114 of IPC.

[3.0] Learned advocate appearing on behalf of the applicant submits that the applicant is innocent and has been falsely implicated in the offence. Investigation is over and chargesheet has been filed. Nothing is required to be recovered or discovered. Co-accused who received 2.5 % commission, are granted bail and on the ground of parity also, applicant may be enlarged on bail. Role of the applicant is that, the applicant under the pretext of investments lured the complainant and others. However, excepting 2.5 commission as partner in the Company namely A.S. Agree and Aqua LLP, no role is attributed to him. He therefore submits that, considering the nature of the offence, the applicant may be enlarged on regular bail by imposing suitable conditions.

[4.0] Learned Senior Counsel Mr. Nanavaty appearing for the complainant has opposed present application and contended that the case is not as simple as argued by learned counsel for the applicant. The applicant and other accused have lured the innocent people under the pretext of investments in vertical farming. From different police stations of different States, seven complaints have been registered against the applicant. The applicant is also connected with another firm and amount has been siphoned off. Large scale conspiracy is there and poor people are duped. The applicant has actively participated in the offence and received direct benefit from the company. The applicant has received total amount of Rs.54,07,376/- from the company. The said amount is revealed during investigation when Investigating Officer has appointed Chartered Accountant. So far parity is concerned, the applicant is not entitled to claim parity as learned Sessions Judge has been pleased to grant bail to co-accused Hiren Patel, who was Chairman of the Company. Sessions Court on its own imposed condition to deposit some amount. Said order came to be assailed by the Complainant as well as the State and filed an application for cancellation of bail, but since last 7 months, matter being prolonged. Therefore, considering different role of the applicant than the co-accused Hiren, benefit of parity may not be extended. Further, the applicant is having past antecedent.

[5.0] Learned APP appearing on behalf of the respondent-State has opposed the present application and adopted the arguments made by learned senior counsel for the complainant.

[5.0] While granting bail, the Court has to consider the involvement of the accused in the alleged offence, the jurisdiction to grant bail has to be exercised on the basis of the well settled principles having regard to the facts and circumstances of each case and the following factors are to be taken into consideration while considering an application for bail: (i) the nature of accusation and the severity of the punishment and the nature of

the materials relied upon by the prosecution; (ii) reasonable apprehension of tampering with the witnesses and threat to the complainant or the witnesses; (iii) reasonable possibility of securing the presence of the accused at the time of trial or the likelihood of his abscondence; (iv) character behaviour and standing of the accused and the circumstances which are peculiar to the accused; (v) larger interest of the public or the State and similar other considerations are required to be considered.

[6.0] I have heard the learned advocates appearing on behalf of the respective parties and perused the investigation papers.

1. Investigation is over and charge-sheet is filed; Applicant is behind the bar since 24.09.2025;
2. There is nothing to be recovered or discovered from the applicant;
3. Offence is triable by JMFC Court;
4. Though the applicant is having past antecedent, he is presumed to be innocent till proven guilty;
5. Co-accused having similarly situated role are enlarged on regular bail and therefore, on the ground of parity also (Rameshbhai Batubhai Dhabhi Vs. State of Gujarat reported in 2011 (3) GLR 1999), present application deserves consideration.
6. Obviously commencement and conclusion of trial will take its own time.
7. As per the case of the prosecution, under the pretext of investments in the company, the accused lured total amount is more than Rs.70 crore. Out of the same the applicant has received an amount of Rs.54,07,376/-. The applicant is connected with another company named SVP Agri Aqua LLP.
8. But similarly situated co-accused who are partners of the LLP and received 2.5% commission already enlarged on bail by coordinate Bench of this Court. Hence, considering the role of the applicant having received 2.5 % commission from LLP, benefit of parity

should be extended. The order of coordinate bench of this Court enlarging the co-accused was challenged before the Hon'ble Supreme Court by way of Special Leave Petition (Criminal) No.1157/2026, which came to be dismissed.

[7.0] This Court has also taken into consideration the law laid down by the Hon'ble Apex Court in the case of **Sanjay Chandra vs. Central Bureau of Investigation reported in [2012]1 SCC 40** as well as in the case of **Gudikanti Narasimhulu And Ors vs. Public Prosecutor, High Court of Andhra Pradesh reported in (1978)1 SCC 240**. Obviously, the conclusion of trial will take time and keeping the accused behind the bars is nothing but amounts to pre-trial conviction and therefore, considering the celebrated principle of bail jurisprudence is that "bail is a rule and jail is exception" as well as the concept of personal liberty guaranteed under Article 21 of the Constitution of India, present application deserves consideration.

[8.0] In the facts and circumstances of the case and considering the nature of the allegations made against the applicant in the FIR, 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. Hence, the present application is **allowed**. The applicant is ordered to be released on regular bail in connection with **FIR being C.R. No. 11208055250114 of 2025 registered with DCB Police Station, Rajkot City** on executing a personal 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/she shall;

- (a) not take undue advantage of liberty or misuse liberty;
- (b) not act in a manner injurious to the interest of the prosecution & shall not obstruct or hamper the police investigation and shall not to play mischief with the evidence collected or yet to be collected by the police;
- (c) surrender passport, if any, to the Trial Court within a week;

- (d) not leave the India without prior permission of the Trial Court concerned;
- (e) mark presence before the concerned Police Station once in every month for a period of six months between 11.00 a.m. and 2.00 p.m.;
- (f) furnish the **Aadhaar card, email ID/present address of his residence** to the Investigating Officer and also to the Court at the time of execution of the bond and shall not change the **residence/contact number** without prior permission of Trial Court;
- (g) not to indulge in any illegal activity failing which learned trial Court shall issue warrant and cancel the bail of the applicant.

[9.0] 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 issue warrant or take appropriate action in the matter.

[10.0] 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.

[11.0] At the trial, the trial Court shall not be influenced by the observations of preliminary nature qua the evidence at this stage made by this Court while enlarging the applicant on bail.

[12.0] Rule is made absolute to the aforesaid extent. Direct service is permitted.

SUCHIT

(HASMUKH D. SUTHAR,J)