

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CRIMINAL MISC.APPLICATION (FOR REGULAR BAIL - AFTER
CHARGESHEET) NO. 15164 of 2026**

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KAPIL GORDHANBHAI GONDALIYA

Versus

STATE OF GUJARAT

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Appearance:

MR P P MAJMUDAR(5284) for the Applicant(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 : 04/08/2026****ORDER**

- 1) **RULE.** Learned APP waives service of rule for the respondent-State.
- 2) 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.11191011260078 of 2026** registered with **DCB Police Station, Ahmedabad City** for the offences under Sections 178, 179, 180. 181 and 61(2) of the Bharatiya Nyaya Sanhita.
- 3) Learned advocate appearing on behalf of the applicant submits that applicant is innocent and has been falsely implicated in the offence and now nothing is required to be recovered or discovered. Investigation is over and chargesheet has been filed. Initially the applicant was not named in the FIR and subsequently based on statement of the co-accused he was arrested. The allegation is that the applicant is involved in counterfeiting currency notes and

circulated the same in the market. No material is collected which suggest the involvement of the applicant in the present offence. Nothing is found from the possession of the applicant including printing material or counterfeit currency notes. He therefore submits that, considering the nature of the offence, the applicant may be enlarged on regular bail by imposing suitable conditions.

- 4) Learned APP appearing on behalf of the respondent-State has opposed the present application and requested to dismiss the present application for regular bail on the ground that the applicant is involved in the illegal activity of counterfeiting currency notes and was contact of the co-accused as the accused was running an NGO was in dire need of money. They portrayed the plan for counterfeiting currency notes and imported material from China and developed software and counterfeited 50000 currency notes in the denomination of Rs.500/- and circulated in the market. The role attributed to the applicant is that he received counterfeit currency notes of Rs.1 crore and out of which Rs.80 lakhs was returned and Rs.20 lakhs was circulated in the market. As per the call detail record of the applicant, the applicant was found in contact with the co-accused Pradeep, Mukesh and Bhavesh and he has made payment to the co-accused when he stayed at Hotel Avenue Gandhinagar. Considering the severity of punishment and seriousness of the offence which adversely effect the economy of the nation, requested to dismiss the present application.
- 5) 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) I have heard the learned advocates appearing on behalf of the respective parties and perused the investigation papers. Following aspects have been considered:

- (1) Initially the applicant was not named in the FIR and subsequently based on the statement of the co-accused the applicant came to be arraigned as an accused.
- (2) Investigation is over and charge-sheet is filed;
- (3) Applicant is behind the bars since **20.05.2026**;
- (4) The applicant has no past antecedents;
- (5) There is nothing to be recovered or discovered from the applicant;
- (6) Obviously commencement and conclusion of trial will take some time.;
- (7) Whatever printing material including software

and dye are collected from the accused no.1 and has no direct nexus with the applicant or not found from the possession of the applicant. Merely based on the call detail record or making payment to facilitate accommodation to the co-accused is not sufficient even there is no role or material which suggest involvement of the applicant in counterfeiting currency notes or circulating the same in the market is found, even no evidence of possession of said notes is found. Considering limited role of the applicant present application deserves consideration.

- (8) Co-accused having similarly situated role is 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;

- 7) 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) 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.11191011260078 of 2026** registered with **DCB Police Station, Ahmedabad 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 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 State of Gujarat 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 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 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) 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) 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 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) Rule is made absolute to the aforesaid extent. Direct service is permitted.

(HASMUKH D. SUTHAR,J)

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