

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/CRIMINAL MISC.APPLICATION (FOR REGULAR BAIL - BEFORE
CHARGESHEET) NO. 15333 of 2026**

=====

ROHIT BABUBHAI PAKHAWALA
Versus
STATE OF GUJARAT

=====

Appearance:
MR JAL UNWALA, SENIOR ADVOCATE WITH MAHARSHI V. PATEL WITH
HETAL PANCHAL for HL PATEL ADVOCATES(2034) for the Applicant(s) No.
1
MS VRUNDA SHAH, APP for the Respondent(s) No. 1

=====

CORAM: HONOURABLE MR. JUSTICE HASMUKH D. SUTHAR

Date : 22/07/2026

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 Nagrik Suraksha Sanhita, 2023 (for short "BNSS") for regular bail in connection with **FIR being C.R. No.11201005260001 of 2026** registered with **CID Crime, Vadodara Zone, Vadodara Police Station, Vadodara**, for the offence under Sections 120(B), 166, 219, 405, 406 and 409 of the IPC.

[3.0] Learned advocate appearing on behalf of the applicant submits that applicant is innocent and has been falsely implicated in the offence. 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 APP appearing on behalf of the respondent-State has opposed the present application and requested to dismiss the present application.

[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. Following aspects have been considered:

- (1) substantial part of Investigation is over;
- (2) Applicant is behind the bar since 04.06.2026;
- (3) The applicant is having no past antecedent;
- (4) There is nothing to be recovered or discovered from the applicant;
- (5) The fact of the applicant that while rendering his services as a Probationary Mamlatdar at Nandod Taluka, Rajpipla District, it is alleged that, despite being a Gazetted Officer and being aware of the Government Circulars and the applicable law, he misused his official position and powers in favour of co-accused Jyotindra Shantilal Patel and Kantilal Ramswaroop. It is alleged that, in collusion and connivance with the co-accused and pursuant to a criminal conspiracy, he caused Mutation Entry No. 670 to be entered into the revenue record, thereby causing an alleged loss to the Government to the tune of ₹1,29,39,150/-. On the basis of these allegations, the present FIR came to be registered.
- (6) The allegation against the present applicant is that, with mala fide intention, he certified and effected the mutation entry without verifying whether co-accused Jyotindra Shantilal Patel was an

agriculturist, as required under law. It is on this basis that the present offence has been registered.

- (7) It further appears that the Department had also initiated departmental proceedings against the present applicant. Upon conclusion of the said proceedings, vide order dated 28.05.2015, the competent authority merely issued a caution to the applicant, observing that the lapse had occurred during his initial period of service and that there was no intentional omission or deliberate misconduct on his part.
- (8) The applicant is no longer in Government service and, therefore, there is no possibility of his tampering with any official record or influencing the revenue record, which is maintained as a public record. The trial is likely to take considerable time to conclude and, therefore, no purpose would be served by continuing or prolonging the incarceration of the present applicant.

[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.11201005260001 of 2026** registered with **CID Crime, Vadodara Zone, Vadodara Police Station, Vadodara**, on executing a personal bond of Rs.25,000/- (Rupees Twenty-five Thousand only) with one local 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 to leave State of Gujarat without prior permission of the Trial Court concerned;
- (e) mark presence before the concerned police station once in a month till filing of charge-sheet, thereafter once a month for a period of six months between 11.00 am to 2.00 pm;
- (f) furnish the Aadhar 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, sim-card without prior permission of Trial Court;

[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.

KUMAR ALOK

(HASMUKH D. SUTHAR,J)