

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/CRIMINAL MISC.APPLICATION (FOR REGULAR BAIL - BEFORE
CHARGESHEET) NO. 16184 of 2026**

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VIJAY JAYANTILAL PATEL
Versus
STATE OF GUJARAT

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Appearance:
MR P P MAJMUDAR(5284) for the Applicant(s) No. 1
MR ROHAN SHAH, APP for the Respondent(s) No. 1

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CORAM: HONOURABLE MR. JUSTICE HASMUKH D. SUTHAR

Date : 20/07/2026

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. 11216008240763 of 2024** registered with **Gandhinagar Sector-7 Police Station, Gandhinagar**, for the offence punishable under Sections 420, 465, 467, 468 and 471 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. Considering the nature of the offence, the applicant may be enlarged on regular bail by imposing stringent conditions.

[4.0] Learned APP appearing on behalf of the respondent-State has opposed the present application and submitted that applicant is involved in the offence. Hence, he has requested to dismiss the present application for regular bail looking to the nature and gravity of the offence.

[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. In present case, following aspects have been considered:

- (1) Substantial part of the investigation is over ;
- (2) None of the offence alleged is punishable with life sentence or death penalty;
- (3) Applicant is behind the bars since 18.06.2026;
- (4) There is nothing to be recovered or discovered from the applicant;
- (5) Obviously commencement and conclusion of trial will take some time;
- (6) It is alleged that, during the academic year 2018–2019, the complainant did not pursue any diploma course.

However, unknown persons allegedly used his documents to fraudulently obtain a Government scholarship in his name. Consequently, the present complaint came to be registered.

During the course of investigation, it was revealed that the present applicant, in connivance with the co-accused, allegedly opened a bank account and siphoned off the scholarship amount of Rs. 61,660/-. Consequently, the present offence came to be registered against them;

(7) applicant is having no past antecedents;

(8) case is based on documentary evidence;

(9) Considering the aforesaid facts and circumstances, no grounds exist to prolong the detention of the present applicant, particularly when the co-accused, who was allegedly involved in the offence, expired during the COVID-19 period;

(10) To show his bona fides, the applicant has filed an undertaking stating that he is ready and willing to deposit an amount of Rs. 61,660/- within one week from his actual release, without prejudice to his rights and contentions.

It is clarified that the said amount shall be deposited without prejudice to the applicant's rights and contentions and shall remain subject to the outcome of the trial;

[7.0] Without entering into the merits of the case, this Court is of the considered view that the complaint has been filed merely on the ground that the rubber stamp was not affixed on the pages of pleadings. Further, it transpires that the said application was not filed in any proceedings, and the concerned Tribunal neither proceeded

further nor passed any judicial order on the basis of the alleged forged documents. The allegations are confined to the change of certain pages in the pleadings prior to the filing of such pleadings before the concerned authority.

[7.1] Considering the aforesaid facts, no purpose would be served by continuing the detention of the present applicant. Even the prosecution has failed to point out any circumstances to portray the incarceration of the present applicant. In the absence of any specific or particular allegation, merely because certain directions were issued by the learned Sessions Judge while deciding the bail application cannot be a ground to refuse bail at this stage. For the sake of argument, even if it is accepted that any offence has been committed in consequence of the directions issued by the learned Sessions Judge, the prosecution would still be at liberty to initiate appropriate proceedings or register any offence at the stage of filing of the charge-sheet. However, that by itself does not warrant dismissal of the present application. On that count, the arguments advanced by the learned APP are not accepted.

[7.2] 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. 11216008240763 of 2024 registered with Gandhinagar Sector-7 Police Station, Gandhinagar**, 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 a month till filing of the charge-sheet, thereafter for a period of six months between 11.00 a.m. to 2.00 p.m.;
- (f) ***Furnish the UIDAI Number, Contact Number/s, Passport Number (if he is having the passport), E-mail address and 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) shall deposit an amount of Rs.61,660/- within one week from the date of actual release, before the concerned Court, failing which, failing which, non-bailable warrant can be issued against the present applicant, and he will be taken into judicial custody;

[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)