

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CRIMINAL MISC.APPLICATION (FOR SUCCESSIVE REGULAR
BAIL - AFTER CHARGESHEET) NO. 16080 of 2026**

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JATINBHAI ISHWARLAL NAYAK

Versus

STATE OF GUJARAT

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Appearance:

MR NAUMAN S QURESHI(10669) for the Applicant(s) No. 1

MR SHAKEEL A QURESHI(1077) for the Applicant(s) No. 1

MS SHRUTI SHAH MR JAY N SHAH(10668) for the Respondent(s) No. 1

MR ADITYA JADEJA, APP for the Respondent(s) No. 1

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CORAM:**HONOURABLE MR. JUSTICE HASMUKH D. SUTHAR**

Date : 10/08/2026

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.11214042260530 of 2026** registered with **Olpad Police Station, Surat** for the offences under Sections 409, 420, 465, 467, 468, 471 and 120(B) of the Indian Penal Code.
- 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. The applicant is the Manager, Surat People's Cooperative Bank Ltd., and he has nothing to do with the society or any management or affairs of the society. 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 and learned Advocate for the original complainant have opposed the

present application and requested to dismiss the present application for regular bail on the ground that the applicant is involved in the present offence and played an active role. The complaint is filed by the custodian as *Shri Kantha Vibhag Sahkari Khand Udhyog Mandali Ltd.*, had obtained the loan from National Cooperative Development Corporation and a tripartite agreement was executed between the Surat People's Cooperative Bank Ltd., National Cooperative Development Corporation and *Shri Kantha Vibhag Sahkari Khand Udhyog Mandali Ltd.*, The responsibility of the applicant as Manager of the Bank is to monitor the transaction and thereafter he has to release the amount but he has played an active role in facilitating the co-accused as part of criminal conspiracy. The co-accused are on run and investigation is yet to be conducted qua the said accused. The accused committed forgery by forging signature of actual farmers and duped them. In total Rs.9,35,95,000/- is involved in the misappropriation of amount. There is every possibility that, if the applicant is released on bail, he will indulge in similar offences and try to tamper with the evidence. Therefore, present application does not deserve consideration.

- 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) Perusing the papers it appears that loan transaction took place between *Shri Kantha Vibhag Sahkari Khand Udhog Mandali Ltd.*, and National Cooperative Development Corporation, showing inflated stocks and securities, loan came to be sanctioned and released through Surat People's Cooperative Bank Ltd. The applicant was working in Surat People's Cooperative Bank Ltd., and he has put signature in the Tripartite Agreement but not in his personal capacity and he has nothing to do with the society. Even without entering into the merits the loan transaction took place between the society and amount of Rs.9,35,95,000/- availed as loan providing security of land owned by the society and charge is created.;
- (2) Applicant is behind the bars since 17.03.2026;
- (3) The applicant has no past antecedents;
- (4) Investigation is over and charge-sheet is filed;
- (5) There is nothing to be recovered or discovered from the applicant;
- (6) Offences are triable by the Court of Magistrate;
- (7) Obviously commencement and conclusion of trial will take some time.

- 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.11214042260530 of 2026** registered with **Olpad Police Station, Surat** 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;

- (a) shall not take undue advantage of liberty or misuse liberty;
- (b) shall 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) shall surrender passport, if any, to the Trial Court within a week;
- (d) shall not leave the territory of the State of Gujarat without prior permission of the Trial Court concerned;
- (e) shall 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) shall 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) shall not indulge in any illegal activity, failing which the 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.

ANKIT JANSARI

(HASMUKH D. SUTHAR,J)