

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/CRIMINAL MISC.APPLICATION (FOR REGULAR BAIL - BEFORE
CHARGESHEET) NO. 16342 of 2026**

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DEEPAKKUMAR GANESHBHAI MORADIA
Versus
STATE OF GUJARAT

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Appearance:

MR R.S. SANJANWALA assisted by MR. AADIT R SANJANWALA(9918) for the Applicant(s) No. 1

MR. NILESHKUMAR MANJIBHAI VAGHASIA(11473) for the Respondent(s) No. 1

MS VRUNDA SHAH, APP for the Respondent(s) No. 1
MR ZUBIN F BHARDA for RAFIK LOKHANDWALA(5590) for the Respondent(s) No. 1

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CORAM: **HONOURABLE MR. JUSTICE HASMUKH D. SUTHAR**
Date : 28/07/2026
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. 11210060260791 of 2026 registered with Varachha Police Station, Surat** for the offence punishable under Sections 316(5), 318(4) and 61(2) of the BNS and Sections 66(c) and 66(d) of the IT Act.

[3.0] Learned advocate appearing on behalf of the applicant submits that applicant is innocent and has been falsely implicated in the offence. It is submitted that substantial part of investigation is over. 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, she 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 investigation is over ;
- (2) None of the offence alleged is punishable with life sentence or death penalty;
- (3) Applicant is behind the bars since 17.06.2026;
- (4) There is nothing to be recovered or discovered from the applicant;
- (5) On a perusal of the allegations levelled in the FIR, it appears that the complainant is engaged in the diamond business and is carrying on business in the name and style of Kyros DMCC, Dubai. It is alleged that the present applicant is also engaged in the same line of business in the name and style of M/s. Vanraj Enterprise. The FIR further alleges that business transactions relating to diamonds took place between the complainant and the present applicant, pursuant to which the

applicant became liable to pay an amount of USD 1,202,094 towards 701.73 carats of diamonds supplied by the complainant. It is alleged that the applicant failed to make payment in accordance with the prevailing trade practice in the diamond market. Thereafter, mediation took place between the parties, and they arrived at a settlement whereby the applicant agreed to pay ₹10 crores. It is submitted by the learned advocate for the original complainant that, out of the total liability of ₹17 crores, the applicant has already paid ₹7 crores and the balance amount of ₹10 crores remains payable.

(6) Without entering into the disputed questions of fact, it is an admitted position that, out of the alleged liability of ₹17 crores, an amount of ₹7 crores has admittedly been paid by the applicant. This prima facie indicates that the transaction was acted upon and that payments were made pursuant thereto. In view of the above, it does not prima facie appear that there was any fraudulent or dishonest intention on the part of the applicant at the inception of the transaction. Furthermore, without expressing any opinion on the merits, the fact that mediation proceedings were undertaken between the parties also lends support to the prima facie view that the dispute is essentially commercial in nature. Accordingly, this Court is of the prima facie opinion that the dispute is predominantly civil/commercial in character and has been sought to be given the cloak of criminality;

(7) commencement of trial will take its own time;

(8) this court has considered the quantum of punishment;

(9) the applicant has one past antecedent under the Prohibition Act, which came to be registered prior to six years. Except this, the applicant has no other antecedents, much less any of a similar nature;

(10) It appears that prosecution has failed to show or

indicate any circumstances to prolong incarceration and detention of the accused. Therefore, no purpose would be served to continue the incarceration of the 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. 11210060260791 of 2026 registered with Varachha 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 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 his presence before the concerned Police Station once every week till the filing of the charge-sheet. Thereafter, upon filing of the charge-sheet, the applicant shall mark his presence before the concerned Police Station once every month for a period of six months, between 11:00 a.m. and 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;*

[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)