

Reserved On : 10/07/2026
Pronounced On : 15/07/2026

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

**R/CRIMINAL MISC.APPLICATION (FOR CANCELLATION OF BAIL) NO.
19540 of 2025**

=====

PATEL BHARTIBEN HARIKRUSHNABHAI

Versus

STATE OF GUJARAT & ORS.

=====

Appearance:

MR BRIJESH K RAMANUJ(9898) for the Applicant(s) No. 1

MR KEVAL G BRAHMBHATT (BAROT)(9900) for the Applicant(s) No. 1

MR RUTVIJ S OZA(5594) for the Respondent(s) No. 2,3

MR NIRAJ SHARMA, APP for the Respondent(s) No. 1

=====

CORAM:HONOURABLE MR.JUSTICE SANJEEV J.THAKER

CAV ORDER

1. This is an application for cancellation of bail preferred by the present applicant – original complainant under Section 483(3) of the Bharatiya Nagrik Suraksha Sanhita ('the BNSS' for short), seeking quashment of the impugned order dated 02.08.2025 passed by the learned 4th Additional Sessions Judge, Ahmedabad Rural being Criminal Miscellaneous Application No.2478 of 2025 dated 02.08.2025, whereby the learned trial Court has granted anticipatory bail to the respondents—original accused in connection with the FIR being C.R.No.11191037251293 of 2025 registered with Odhav Police Station, Ahmedabad, for the offences punishable under Sections 108 and 54 of the Bharatiya Nyay Sanhita,

2023. (the 'BNS' for short) and Sections 40 and 42(a) of the Gujarat Money Lenders Act, 2011.

2.1 Learned advocate appearing for the applicant has vehemently submitted that the learned trial Court has failed to appreciate the gravity and seriousness of the offence alleged against the respondent–accused and has mechanically granted bail. It is submitted that the impugned order has been passed without proper consideration of the material available on record. The learned advocate has drawn attention to the serious allegations levelled against the respondent–accused in the FIR and submitted that looking to the nature and gravity of the same, the learned Court ought not have granted the bail to the respondent–accused.

Referring to the documents and material produced on record, the learned advocate for the applicant has submitted that the learned Court has ignored the same and the intention of the respondent–accused to commit the offence as alleged. Despite the availability of such incriminating material, the learned trial Court failed to assign proper weight to the same and erroneously granted bail to the respondent–accused.

It is, submitted that the impugned order granting bail suffers from non-application of mind and improper appreciation of the material on record. Considering the

seriousness of the offence, the strength of the evidence collected during investigation and the likelihood of prejudice to a fair investigation/trial, it is submitted that the present application may be allowed by cancelling the bail granted to the respondent–accused in the interest of justice.

2.2 Learned Additional Public Prosecutor appearing for the State has adopted the submissions advanced by the learned advocate for the applicant and has further submitted that the impugned order granting bail to the respondent–accused is contrary to the material available on record. It is contended that the learned Trial Court has granted bail without properly appreciating the evidence collected during the course of investigation and without taking into consideration the gravity and seriousness of the offence alleged against the respondent–accused.

It is further submitted that the learned Trial Court has failed to consider the affidavit filed by the Investigating Officer, wherein specific grounds were raised opposing the grant of bail. The contents of the said affidavit, which were material and relevant for deciding the bail application, have not been duly considered by the learned Trial Court while exercising its discretion in favour of the respondent–accused.

It is, therefore, submitted that the learned Trial

Court has exercised its discretion in an erroneous manner and that the impugned order deserves to be set aside. In view of the seriousness of the allegations and the larger interest of a fair and effective investigation, this Hon'ble Court may be pleased to allow the present application, cancel the bail granted to the respondent–accused, and direct that the respondent–accused be taken into judicial custody in accordance with law.

3. *Per contra*, learned advocate appearing for the respondent–accused has opposed the present application and submitted that the impugned order granting bail is a well-reasoned and speaking order passed upon due consideration of the facts and circumstances of the case. It is contended that the learned Trial Court has exercised its discretion judiciously and in accordance with settled principles of law and, therefore, no interference is warranted by this Hon'ble Court in exercise of its jurisdiction.

It is further submitted that while passing the impugned order, the learned Trial Court has extensively considered all relevant aspects, including the nature of allegations, the material collected during investigation, and the submissions advanced by both sides. After appreciating the entire material available on record, the learned Trial Court found it appropriate to enlarge the respondent–accused

on bail. Hence, it cannot be said that the order suffers from any illegality, perversity, or non-application of mind so as to justify cancellation of bail.

It is also submitted that the prosecution has failed to point out any supervening circumstance warranting cancellation of bail. In particular, it is not the case of the State that the respondent–accused has violated or flouted any of the conditions imposed while granting bail. There is no allegation that the respondent–accused has attempted to tamper with evidence, influence witnesses, obstruct the course of justice, or misuse the liberty granted by the Court.

In view of the aforesaid facts and circumstances, it is submitted that no case is made out for cancellation of bail. The present application, being devoid of merits, deserves to be rejected and the bail granted to the respondent–accused may kindly be continued.

4.1 Having heard the learned advocates appearing for the respective parties and upon perusal of the impugned order passed by the learned Trial Court as well as the material available on record, this Court is of the view that the present application has been filed merely on the basis of presumptions and assumptions, without placing on record any cogent material or demonstrating the existence of any supervening or prevailing circumstances warranting

interference with the order granting bail. In the absence of any substantive material to justify the relief sought, the application does not merit consideration.

It emerges from the record that in all there are five accused and the present application for cancellation of bail is filed qua accused nos.1 and 2. the role attributed to all the accused is the same. It is also brought to the notice that previously the original complainant had filed Criminal Miscellaneous Application No.19364 of 2025 seeking cancellation of bail granted to original accused nos.3 and 4, but the same was withdrawn on the written instructions received by the original complainant. The fact remains that the role attributed to all the accused, two of whom are the respondent nos.2 and 3 herein, are the same.

It is also required to be noted that this application as well as the previous application being Cr.M.A.No.19364 of 2025 are not filed on the ground that the accused had committed breach of any of the conditions, but are filed on the ground that the learned trial Court has not properly appreciated the merits of the case and granted the bail in a mechanical manner. Therefore, when the previous application filed on the same ground was withdrawn by the learned advocate for the original complainant, this application which is also filed on the same ground is not required to be entertained.

4.2 Further, upon a careful examination of the findings recorded and the conclusions arrived at by the learned Judge, this Court finds that all the relevant facts and circumstances of the case have been duly considered. The impugned order reflects proper application of mind to the material available on record, and detailed as well as cogent reasons have been assigned by the learned Judge while passing the said order. This Court does not find any perversity, illegality, or infirmity in the reasoning adopted by the learned Trial Court warranting interference.

4.3 It is well settled that the parameters governing rejection of a bail application at the initial stage and cancellation of bail already granted by a competent Court are distinct and operate in different spheres. Once bail has been granted, its cancellation can be justified only upon the existence of cogent and overwhelming circumstances, such as misuse of liberty by the accused or the emergence of supervening circumstances warranting such cancellation.

4.4 In the case of *P. Vs. State of Madhya Pradesh & Anr.*, reported in *(2022) SCC Online SC 552*, the Hon'ble Supreme Court has enumerated the circumstances, when bail could be canceled and one of the conditions stated therein is the misuse of the liberty granted to the accused concerned by

the Court by involving himself in a subsequent crime.

4.5 Further, it would be fruitful to refer to the decision of the Hon'ble Apex Court in the case of ***Ajwar Vs. Waseem*** reported in ***2024 INSC 438***, wherein the Hon'ble Apex Court has observed that the same Court which granted bail to an accused can cancel the bail if there are serious allegations against him, even if the accused has not misused the bail. If there are serious allegations against the accused, even if he has not misused the bail granted to him, such an order can be canceled. However, once bail is granted, it ought not to be canceled in a mechanical manner. An unreasonable or perverse order of bail may invite interference by the Apex Court. Personal liberty is one of the cherished Constitutional freedoms, and once bail is granted during the pendency of the trial, it must only be retracted in the face of grave circumstances. The Hon'ble Supreme Court in the said decision, in paragraphs 27 and 28, has observed as under :

“27. The considerations that weigh with the appellate Court for setting aside the bail order on an application being moved by the aggrieved party include any supervening circumstances that may have

occurred after granting relief to the accused, the conduct of the accused while on bail, any attempt on the part of the accused to procrastinate, resulting in delaying the trial, any instance of threats being extended to the witnesses while on bail, any attempt on the part of the accused to tamper with the evidence in any manner. We may add that this list is only illustrative and not exhaustive. However, the court must be cautious that at the stage of granting bail, only a prima facie case needs to be examined and detailed reasons relating to the merits of the case that may cause prejudice to the accused, ought to be avoided. Suffice it is to state that the bail order should reveal the factors that have been considered by the Court for granting relief to the accused.

28. In Jagjeet Singh (supra), a three-Judges bench of this Court, has observed that the power to grant bail under Section 439 Cr.P.C is of wide amplitude and the High Court or a Sessions Court, as the case may be, is bestowed with considerable discretion while deciding an [2024] 5 S.C.R.

593 Ajwar v. Waseem and Another application for bail. But this discretion is not unfettered. The order passed must reflect due application of judicial mind following well established principles of law. In ordinary course, courts would be slow to interfere with the order where bail has been granted by the courts below. But if it is found that such an order is illegal or perverse or based upon utterly irrelevant material, the appellate Court would be well within its power to set aside and cancel the bail."

4.6 In the case of ***Ranjit Singh Vs. State of M.P.***, reported in ***(2013) 16 SCC 797***, the Hon'ble Supreme Court has held as under in Para-19 :

"19. It needs no special emphasis to state that there is distinction between the parameters for grant of bail and cancellation of bail. There is also a distinction between the concept of setting aside an unjustified, illegal or perverse order and cancellation of an order of bail on the ground that the accused has misconducted himself or certain supervening

circumstances warrant such cancellation. If the order granting bail is a perverse one or passed on irrelevant materials, it can be annulled by the superior court. We have already referred to various paragraphs of the order passed by the High Court. We have already held that the learned trial Judge has undefined misconstrued the order passed by the High Court. However, we may hasten to add that the learned Single Judge has taken note of certain supervening circumstances to cancel the bail, but we are of the opinion that in the obtaining factual matrix the said exercise was not necessary as the grant of bail was absolutely illegal and unjustified as the court below had enlarged the accused on bail on the strength of the order passed in Ranjeet Singh v. State of M.P. [Ranjeet Singh v. State of M.P., MCRC No. 701 of 2013, order dated 1- 2-2013 (MP)] remaining oblivious of the parameters for grant of bail under Section 439 CrPC. It is well settled in law that grant of bail though involves exercise of discretionary power of the court, yet the said exercise has to be made in a judicious manner and

not as a matter of course."

4.7 In the present case, the impugned order passed by the learned Trial Court is founded upon sound legal principles and is supported by cogent and well-reasoned findings. This Court finds no infirmity, perversity, or illegality in the said order so as to warrant interference in exercise of its jurisdiction. The learned Trial Court, while enlarging the accused on bail, has imposed appropriate and stringent conditions to safeguard the interests of the prosecution and to ensure the fair conduct of the proceedings.

Furthermore, it is a settled principle of law that while considering matters relating to bail, the Court should refrain from undertaking a detailed appreciation of the evidence on record, as any such observation may prejudice the case of either side at the stage of trial. Therefore, in the facts and circumstances of the present case, no ground is made out to interfere with the order granting bail.

5. Thus, in view of the aforesaid facts and circumstances, this Court is of the considered opinion that the applicant has failed to make out any case warranting interference with the impugned order granting bail in favour of the respondent–accused. No sufficient grounds, reasons, or

supervening circumstances have been brought on record so as to justify cancellation of bail or to persuade this Court to take a different view than that taken by the learned Trial Court.

6. Accordingly, the present application is **rejected**.
Rule is discharged.

SRILATHA

(SANJEEV J.THAKER,J)

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: SRILATHA VENKATARAO UPADHYAYULA(HC00185), PRINCIPAL PRIVATE SECRETARY, at High Court of Gujarat on 15/07/2026 18:53:14