

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**

**R/CRIMINAL MISC.APPLICATION NO. 20318 of 2025  
(FOR ANTICIPATORY BAIL)**

=====

MUKESH DINAJI THAKOR  
Versus  
STATE OF GUJARAT

=====

Appearance:

MR A S SUNELWALA(11290) for the Applicant(s) No. 1  
MR HARDIK SONI APP for the Respondent(s) No. 1

=====

**CORAM:HONOURABLE MR. JUSTICE DIVYESH A. JOSHI**

**Date : 03/10/2025**

**ORAL ORDER**

1. Rule. Learned APP waives service of notice of rule for respondent – State of Gujarat.
2. By way of the present application under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short "BNSS"), the applicant has prayed for anticipatory bail in the event of his arrest in connection with the FIR being C.R. No. 11206005250289 of 2025 registered with Bavlu Police Station, District Mehsana for the alleged offences as mentioned in the FIR.
3. Learned advocate for the applicant submitted that as per the case of the prosecution, so-called incident has occurred during the period between 29.07.2023 to 18.04.2024, whereas, FIR is registered on 07.07.2025 and thus, there is gross delay of more than 1 year and 3 months in registering the FIR and complainant has miserably

failed to explain such an inordinate delay. He further submits that FIR is registered against total 38 persons. He further submits that in fact the main conspirator is the accused No.1 - Maulin Dineshbhai Soni, who is a goldsmith, approved by the bank and one another person viz. Shailesh Thakor and rest of the accused persons are the agriculturists. He submitted that other co-accused persons, some how, came into contact with the main accused no.1 and at that relevant point of time, the accused no.1 informed them that he is in need of money and he wants to take gold loan from the bank by depositing his own gold/gold ornaments but being a goldsmith approved by the bank, he could not be able to procure loan in his name. He submitted that thus, by taking the applicant and other co-accused persons in confidence, accused no.1 had obtained their signatures upon the documents prepared by the bank and placed them before the bank along with duplicate gold ornaments and obtained gold loan in the name of the applicant and other accused persons. He further submits that at the time of submitting documents before the bank, accused No.1 has supplied false information and deposited duplicate gold/gold ornaments and obtained loan from the bank in the name of the applicant and other accused persons. He further submits that immediately within a day or two, the amounts of gold loan so credited by the bank in the account

of the applicant and other accused persons were transferred in the account of accused no.1 by keeping the balance of two to three thousand in their accounts. He, therefore, submits that the main conspirator is accused no.1 and he duped the gullible persons like the applicant and other co-accused and the said fact is fortified from the bank account statements of the applicant. He further submits that accused No.1 is already apprehended by the investigating officer and he has already repaid the amount of loan in some cases. He submitted that there is no antecedent against the applicant and applicant is not directly or indirectly connected and/or associated with the commission of crime. Thus, considering the aforesaid factual aspects, applicant may be enlarged on bail by imposing suitable terms and conditions. He further submitted that in fact, other similarly situated co-accused have already been granted anticipatory bail by this Hon'ble Court, copies of those orders have been tendered during the course of hearing. He submitted that the nature of allegations are such for which custodial interrogation of the applicant at this stage is not necessary. He further submits that the applicant will keep himself available during the course of investigation, trial also and will not flee from justice. He submitted that the applicant is ready and willing to abide by all the conditions that may be imposed while releasing the

applicant on anticipatory bail. It is, therefore, urged that the considering the above facts, the applicant may be granted anticipatory bail.

4. Learned Additional Public Prosecutor Ms. Jyoti Bhatt appearing on behalf of the respondent – State has opposed grant of anticipatory bail looking to the nature and gravity of the offence. He further submits that the coordinate Bench of this Court has not entertained regular bail application of the co-accused, who was apprehended by the investigating officer. He further submits that involvement of the applicant in the commission of crime is clearly found out from the police papers. However, he has fairly conceded that during the course of investigation, investigating officer has collected the bank account statements of the accused persons which clearly go on to show that as soon as the amount of gold loan is credited in the account of the applicants, within no time, the said amount has been transferred in the account of main accused no.1 by keeping two to three thousand balance in the account of the accused persons. Thus, considering the aforesaid overall aspects of the matter, appropriate order may be passed.
5. Having heard the learned advocates appearing for the parties and perusing the investigation papers, it is equally incumbent upon the Court to exercise its discretion judiciously, cautiously and strictly in compliance with the basic principles

laid down in a plethora of decisions of the Hon'ble Apex Court on the point. It is well settled that, among other circumstances, the factors to be borne in mind while considering an application for bail are (i) the nature and gravity of the accusation; (ii) the antecedents of the applicant including the fact as to whether he has previously undergone imprisonment on conviction by a Court in respect of any cognizable offence; (iii) the possibility of the applicant to flee from justice; and (iv) where the accusation has been made with the object of injuring or humiliating the applicant by having him so arrested. Though at the stage of granting bail an elaborate examination of evidence and detailed reasons touching the merit of the case, which may prejudice the accused, should be avoided.

6. I have considered the following aspects:
- (a) So-called incident is occurred during the period between 29.07.2023 to 18.04.2024, whereas, FIR is registered on 07.07.2025 and thus, there is gross delay in registering the FIR;
  - (b) there is no past antecedent reported against the applicant;
  - (c) the accused no.1 viz., Maulin D. Soni is the kingpin; he is apprehended and he has already repaid the amount of gold loan in some cases. It is found out from the record that whatever amount of gold loan credited in the accounts

of the accused persons was immediately transferred in the account of accused No.1 and said fact is clearly found out from the bank statements of the accused persons;

(d) similarly situated co-accused have already been considered for anticipatory bail by this Hon'ble Court;

(e) considering above facts of the case, the custodial interrogation of the applicant is not required;

7. Considering the aforesaid aspects and the law laid down by the Hon'ble Apex Court in the case of **Siddharam Satlingappa Mhetre vs. State of Maharashtra and Ors.** reported in (2011) 1 SCC 6941, wherein the Hon'ble Apex Court reiterated the law laid down by the Constitution Bench in the case of **Shri Gurubaksh Singh Sibbia & Ors.** reported in (1980) 2 SCC 665 and also the decision in the case of **Sushila Aggarwal v. State (NCT of Delhi)** reported in (2020) 5 SCC 1, I am inclined to allow the present application.

8. In the result, the present application is allowed by directing that in the event of arrest / appearance of the applicant in connection with FIR being C.R. No.11206005250289 of 2025 registered with Bavlu Police Station, District Mehsana, the applicant shall be released on bail on furnishing a personal bond of Rs.10,000/- (Rupees Ten Thousand Only) with one surety of like amount on the following conditions that applicant:

- (a) shall cooperate with the investigation and make himself available for interrogation whenever required;
- (b) shall remain present at the concerned Police Station on 08.10.2025 between 11.00 a.m. and 2.00 p.m. and the IO shall ensure that no unnecessary harassment or inconvenience is caused to the applicant;
- (c) shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the fact of the case so as to dissuade him from disclosing such facts to the court or to any police officer;
- (d) shall not obstruct or hamper the police investigation and not to play mischief with the evidence collected or yet to be collected by the police;
- (e) shall at the time of execution of bond, furnish the address to the investigating officer and the court concerned and shall not change his residence till the final disposal of the case till further orders;
- (f) shall not leave India without the permission of the Court and if having passport shall deposit the same before the Trial Court within a week;
- (g) an order of anticipatory bail does not in any manner limit or restrict the rights or duties of the police or investigative agency, to investigate into the charges against the person who seeks and is granted pre-arrest bail;
- (h) It is open to the police or the investigating agency to move the learned trial Court for a direction under Section 483(2) to arrest the accused, in the event of violation of any term, such as absconding, non-cooperating during

investigation, evasion, intimidation or inducement to witnesses with a view to influence outcome of the investigation or trial, etc.-

9. At the trial, the Trial Court shall not be influenced by the *prima facie* observations made by this Court while enlarging the applicant on bail.
10. Rule is made absolute to the aforesaid extent. Direct service is permitted.

**(DIVYESH A. JOSHI, J.)**

Gautam

Original copy of this order has been signed by the Hon'ble Judge.  
Digitally signed by: GAUTAM G PATIL(HC00190), Principal Pvt. Secretary, at High Court of Gujarat on 03/10/2025 14:34:12