

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/CRIMINAL MISC.APPLICATION (FOR REGULAR BAIL - AFTER
CHARGESHEET) NO. 23718 of 2025**

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DESAI (CHAUDHARI) JASHUBHAI VIRSANGBHAI
Versus
STATE OF GUJARAT

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Appearance:

MR. BHAUMIK P PATEL(7510) for the Applicant(s) No. 1
MR KUNAL S SHAH(5282) for the Respondent(s) No. 1
MR. RAJU N DESAI(7029) for the Respondent(s) No. 1
MR NIRAJ SHARMA, ADDL. PUBLIC PROSECUTOR for the Respondent(s)
No. 1

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CORAM:**HONOURABLE MR. JUSTICE NIKHIL S. KARIEL**

Date : 24/02/2026

ORAL ORDER

1. Heard learned advocate Mr.Nishith Acharya for learned advocate Mr.Bhaumik Patel appearing on behalf of the applicant, learned Additional Public Prosecutor Mr.Niraj Sharma appearing on behalf of the respondent-State and learned advocate Mr.Kunal Shah with learned advocate Mr.Raju Desai appearing on behalf of the original - complainant.

2. **Rule.** Learned APP waives service of rule on behalf of the respondent-State.

3. The applicant has filed this application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 for enlarging the applicant on Regular Bail in connection with FIR being C.R. No. 11206023250233/2025 registered with Kheralu Police Station, Mehsana for the offence punishable

under Sections 408, 409, 114 of the IPC.

4. Learned advocate for the applicant would submit that considering the role attributed to the applicant, and nature of the allegation levelled, the applicant may be enlarged on regular bail. It is further submitted that since the charge-sheet is filed no useful purpose would be served by keeping the applicant in jail for indefinite period. It is further contended that the applicant is ready and willing to abide by all the conditions that may be imposed by this Court if released on bail.

5. As against the same, learned Additional Public Prosecutor appearing for the respondent – State and learned advocate Mr.Shah for the complainant have vehemently objected to the grant of regular bail. Learned APP has submitted that looking to the nature of offence and the role attributed to the present applicant as coming out from the charge-sheet, this Court may not exercise the discretion in favour of the applicant and the application may be dismissed.

6. I have heard learned advocates appearing on behalf of the respective parties and perused the papers. Following aspects are considered:-

- i. The allegation against the applicant being that the applicant being Secretary of the Cooperative Society had misappropriated a total of around 1.5 crores namely Rs.1.3 crores for a particular year and Rs.47,00,000/- approximately for a different year.
- ii. The fact of the applicant having deposited Rs.1.03 crores back with the society.
- iii. Learned advocate would submit that, to show his bona fides, the applicant would deposit another Rs.10,00,000/- i.e. Rs.7,00,000/- as a pre-condition to release on bail and remaining Rs.3,00,000/- within a period of one month from the date of release.
- iv. The fact of the applicant being in custody since 16.07.2025 and the charge-sheet having been laid.
- v. The fact of the applicant otherwise having no antecedents.

This Court has taken into consideration the law laid down by the Hon'ble Apex Court in the case of **Sanjay Chandra v. Central Bureau of Investigation reported in [2012] 1 SCC 40.**

7. In the facts and circumstances of the case and considering the nature of the allegations made against the applicant in the First Information Report, 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.

8. Hence, the present application is allowed. The applicant is ordered to be released on bail in connection with F.I.R. registered as C.R. No. 11206023250233/2025 registered with Kheralu Police Station, Mehsana, on depositing Rs.7,00,000/- (Rupees Seven Lakh Only) as a pre-condition of release on bail with the learned Trial Court and on executing a 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 whereas, on filing an undertaking that the applicant will deposit the remaining amount of Rs.3,00,000/- (Rupees Three Lakhs Only) before the learned Trial Court within a period of one month from the date of his release 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;

[c] surrender passport, if any, to the lower court within a week;

[d] not leave the State of Gujarat without prior permission of the Sessions Court concerned;

[e] furnish the present address of residence to the I.O. and also to the Court at the time of execution of the bond and shall not change the residence without prior intimation to the I.O.;

[f] mark presence once a month for a period of six months before the concerned police station.

9. In case the above referred amount is not deposited within the stipulated time limit, it would be open for the Trial Court to take appropriate action in accordance with law.

9.1. Upon the amount being deposited, the same shall be invested in fixed deposit, and whereas, the learned Trial Court shall decide appropriately as regards apportionment / disbursement of the said amount, at the time of and as per the final outcome of the trial.

10. 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 Court concerned will be free to take appropriate action in the matter.

11. 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.

12. At the stage of trial, the trial court shall not be influenced by any observations of this Court which are of preliminary nature made at this stage, only for the purpose of considering the application of the applicant for being released on regular bail.

13. The application is allowed in the aforesaid terms. Rule is made absolute to the aforesaid extent. Direct service is permitted.

Bhoomi

(NIKHIL S. KARIEL,J)