

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CRIMINAL MISC.APPLICATION (FOR REGULAR BAIL - AFTER
CHARGESHEET) NO. 26301 of 2025**

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KALPESHBHAI SOMJIBHAI KAKADIYA
Versus
STATE OF GUJARAT

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Appearance:

MR KUNAL S SHAH(5282) for the Applicant(s) No. 1

MR. SOAHAM JOSHI, APP for the Respondent(s) No. 1

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**CORAM:HONOURABLE MR.JUSTICE UTKARSH THAKORBHAI
DESAI**

Date : 30/04/2026**ORAL ORDER**

1. Heard learned advocate appearing on behalf of the applicant and learned Additional Public Prosecutor appearing on behalf of the respondent-State.

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. 11210047250893 of 2025 registered with Udhna Police Station, Surat for the offence punishable under Sections 316(5), 318(4), 319(2), 338(2), 338, 338(3), 340(2), 51(2), 3(5) of the BNS, 2023

and Section 66(D) of the IT Act.

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, further incarceration of the applicant will not benefit the Investigation Officer in any manner. 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 has 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 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 applicant is a permanent resident of Surat district,

hence would be available at the time of trial;

- ii. The applicant does not have any criminal antecedents;
- iii. The investigation has been over and charge-sheet has been filed;
- iv. Allegations against the applicant being of having opened mule accounts, and whereas the present applicant appears to be the Operation Manager/Deputy Branch Manager in the Sahara branch at Surat of the RBL Bank, and whereas, it would appear that, he had helped the main accused in opening of fraudulent current accounts and having signed four site verification reports, without visiting the sites of the customers, however, the site visits were to be done by field/sales executives of the Bank and the applicant was not supposed to visit the sites;
- v. The role of the applicant is akin to the role of co-accused Arunbhai Babubhai Ghogari, who has been considered for regular bail by the Co-ordinate Bench vide order passed in Cr.M.A No. 9891 of 2026 dated 30.04.2026, as both of them were Deputy Branch Managers/Operation Managers of Sahara and Varachha branches of the RBL Bank at Surat;

vi. While it is submitted by the learned APP that, the applicant had inter alia opened current bank accounts to facilitate one of the main accused, yet, it would appear that except for getting commission, the present applicant does not have any role to play in the principal offence.

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. 11210047250893 of 2025 registered with Udhna Police Station, Surat, on executing a bail 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;

[c] surrender his passport, if any, to the trial court within a week, and if he does not possess a passport, he shall file an affidavit to that effect;

[d] not leave the geographical limits of District Surat without prior permission of the Court concerned;

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

[f] mark presence on every Sunday before the concerned police station, till the trial is over;

[g] not indulge in similar kind of offence hereinafter, for which, he shall file an affidavit before the concerned court and

the police station.

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 Court concerned will be at liberty to take appropriate action in accordance with law.

10. Bail bond to be executed before the trial 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 stage of trial, the competent 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 enlarging the applicant on regular bail.

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

ANIRUDH OJHA

(UTKARSH THAKORBHAI DESAI, J)