

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

**R/CRIMINAL MISC.APPLICATION (FOR SUCCESSIVE REGULAR BAIL -
AFTER CHARGESHEET) NO. 27476 of 2025**

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HARDIK JAGDISHBHAI PATEL

Versus

STATE OF GUJARAT

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Appearance:

MR. R. K. RAJPUT(6988) for the Applicant(s) No. 1

CYRIL AMARCHAND MANGALDAS(14632) for the Respondent(s) No. 1

MR TRUPESH KATHIRIYA, APP for the Respondent(s) No. 1

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CORAM:HONOURABLE MR. JUSTICE NIKHIL S. KARIEL

Date : 11/03/2026

ORAL ORDER

1. Heard learned Senior advocate Mr. Jal Unwala with learned advocate Mr. R.K. Rajput appearing for the applicant and learned APP Mr. Trupesh Kathiriya for the respondent – State, learned advocate Mr. Monark Gehlot for 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. 11216011250385 of 2025 registered with Info City Police Station, Gandhinagar for the offence punishable under Sections 316(2), 316(4), 316(5), 318(4), 336(2), 336(3), 338, 340(2) of the B.N.S.

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 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 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 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 in the FIR being that the accused had connived together and had defrauded the company of around Rs. 75,00,000/-, which has increased to around Rs. 3,75,00,000/- in the charge-sheet.

ii. The allegation being that the applicant was working with the complainant company from the year 2020 to 2022, and forged invoices of Drs., hospitals etc. and had taken payment which the Drs/hospitals have never demanded.

iii. Prima facie, the fact of the alleged fraud, having continued for four years, may not be palatable, more particularly it would appear that the accused no. 1, who is alleged to have perpetrated the fraud, had left the company in the year, 2022,

yet, the company had continued making payments in the accounts, allegedly not belonging to the Drs./hospitals, who were providing information to the complainant company.

iv. It would also appear that while, the complainant company had noticed the alleged fraud in the month of February, 2025, yet, the FIR has been registered seven months thereafter.

v. The fact of the applicants being in custody since September, 2025 and the charge-sheet being laid and the applicant not having any antecedents whatsoever.

vi. The statement made by learned Senior advocate Mr. Jal Unwala under instructions that the applicant would deposit an amount of Rs. 10,00,000/-, as a pre-condition and Rs. 40,00,000/- within a period of 180 days thereafter without any prejudice to his rights and contentions.

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.11216011250385 of 2025 registered with Info City Police Station, Gandhinagar, 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 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.

[g] as a pre-condition of release deposit Rs. 10,00,000/- with the learned Trial Court.

[h] file an undertaking within one week of release to deposit the remaining amount of Rs. 40,00,000/-

9. Learned Trial Court shall deposit the amount in fixed deposit and shall take an appropriate decision as regards disbursing/apportionment 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.

(NIKHIL S. KARIEL,J)

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