HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Criminal Miscellaneous Bail Application No. 11234/2026
CNR: RJHC020668902026 | URN: CRLMB / 20757U / 2026

Gaurav Gola S/o Mahesh Chand Gola, Aged About 37 Years, R/o GD 14 Gali No. 14, 3Rd Floor G-Block Harinagar, Santoshi Mata Mandir Jail Road, Police Station Harinagar, West Delhi.
(Currently In District Jail, Tonk).

----Accused-Petitioner

Versus

State Of Rajasthan, Through P.P.

----Respondent

For Petitioner(s)	:	Mr. Harendra Singh Sinsinwar with Mr. Amit Shekhawat
For State		Mr. Shriram Dhakad, PP
For Respondent(s)	:	Mr. Karan Mahla

HON'BLE MR. JUSTICE BIPIN GUPTA

Judgment / Order

24/07/2026

1. The present bail application has been filed under Section 483 BNSS, 2023 against the order dated 07.07.2026 passed by learned Additional District & Sessions Judge, Niwai, District-Tonk, in Criminal Bail Application No.144/2026, whereby the bail application of the petitioner was rejected in connection with F.I.R. No.169/2018, Police Station-Niwai, District-Tonk for the offences under Sections 420, 406 & 120B of IPC.

2. Learned counsel for the petitioner submits that the main accused namely Deepak Gola, who is the person having holder of three accounts out of the four disputed accounts, has already been enlarged on bail by Co-ordinate Bench of this Court in S.B. Criminal Miscellaneous Bail Application No. 8415/2019 vide order dated 28.06.2019. He further submits that petitioner was a joint

account holder of one of the disputed account. He further submits that another joint account holder were Shalini and Deepak. He further submits that other co-accused namely Shalini has already been enlarged on bail by Co-ordinate Bench of this Court in S.B. Criminal Miscellaneous Bail Application No.11239/2021 vide order dated 10.08.2021. He further submits that another co-accused namely Subhash Singh, who was also the joint account holder of one of the disputed account in which the present petitioner is account holder has already been enlarged on bail by Co-ordinate Bench of this Court in S.B. Criminal Miscellaneous Bail Application No.6895/2019 vide order dated 21.06.2019. He further submits that the case of the petitioner is on no lesser footing than that of the co-accused namely Deepak Gola, Shalini & Subhash Singh.

3. Learned counsel for the petitioner submits that the there are no criminal antecedents against the petitioner of having committed any offence of similar nature or any other nature in past. Moreover, the conclusion of investigation/trial will take sufficiently long time and even the offences are triable by the Magistrate, therefore, he prays that the petitioner may be enlarged on bail as the accused is in custody since 18.06.2026.

4. Learned Public Prosecutor and learned counsel for the complainant/respondent opposes the bail application.

5. Learned counsel for the complainant/respondent submits that the petitioner is one of the account holder in which the amount has been transferred by the victim/complainant. He further submits that huge amount has been duped from the complainant. He further submits that in the bail application before

the learned Trial Court, the present petitioner has stated that by fabricating his signatures, Deepak Gola has opened the account.

6. Learned counsel for the complainant/respondent further submits that the present petitioner is the real uncle of the main accused namely Deepak Gola and the present petitioner has not lodged any complaint against the main accused namely Deepak Gola of fabricating the signatures of the petitioner while opening disputed bank account. He further submits that the petitioner was absconding from long time. He further submits that this is an economic offence as it has been very systematically committed in an organized manner and it could not have been committed by only Deepak Gola alone.

7. Learned counsel for the complainant/respondent has relied upon the judgment passed by the Hon'ble Apex Court in the case of ***Abid Hussainbhai Zunai Vs. The State of Gujarat & Anr.*** in *Criminal Appeal No. 755/2021* decided on ***05.08.2021***, wherein the Court held that the bail application, if granted by the High Court in case of a person absconding, the same was reversed.

8. Learned counsel for the complainant/respondent has relied upon the judgment in the case of ***Shribhan Vs. State of Rajasthan*** in *S.B. Criminal Miscellaneous Bail Application No.14883/2022* decided on **11.05.2023** and prays that the present bail application may be rejected.

4. Heard learned counsel for both the parties, learned Public Prosecutor and perused the material available on record.

5. Without expressing any opinion on the merits of the case and upon consideration of the submissions advanced, and particularly the fact that the conclusion of investigation/trial will take

sufficiently long time; there are no criminal antecedents against the petitioner of having committed any offence of similar nature or any other nature in past; offences are triable by Magistrate. This Court finds that the allegation against the petitioner being one of the account holder of the where the disputed amount has been transferred by the victim which is alleged to be duped whereas the present petitioner has not been named in the FIR and further the fact that other co-accused namely Deepak Gola, Shalini & Subhash Singh have already been enlarged on bail by the Co-ordinate Benches of this Court, this Court is inclined to enlarge the petitioner on bail.

6. So far as the judgments relied upon by the learned counsel for the complainant/respondent are concerned, this Court finds that both pertain to cases involving the heinous offence punishable under Section 302 of the Indian Penal Code. The principles laid down therein cannot be applied mechanically to the facts of the present case, wherein the offences alleged are triable by the Magistrate. It is well settled that an application for bail is required to be considered on the peculiar facts and circumstances of each case, and no straightjacket formula can be applied while adjudicating such an application. Consequently, the aforesaid judgments do not advance the case of the complainant. In view of the facts and circumstances of the present case, this Court is of the considered opinion that the bail application deserves to be allowed.

7. Accordingly, the bail application is **allowed**. It is ordered that the accused-petitioner - **Gaurav Gola S/o Mahesh Chand Gola** arrested in connection with F.I.R. No.169/2018, Police

Station-Niwai, District-Tonk, shall be released on bail; provided he furnishes a personal bond of Rs.1,00,000/- (Rs. One Lakh Only) with two sureties of Rs. 50,000/- (Rs. Fifty Thousand Only) each, to the satisfaction of the learned Trial Court with the stipulation to appear before the learned Trial Court on all dates of hearing and as and when called upon to do so till the completion of the trial and with additional following conditions:

(i) The petitioner shall not leave country without the permission of the Court;

(ii) The petitioner shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected; and

(iii) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

(BIPIN GUPTA),J

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