IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/CRIMINAL MISC.APPLICATION (FOR REGULAR BAIL - BEFORE CHARGESHEET) NO. 25925 of 2025

==========

MITESHBHAI ARJANBHAI JADAV

Versus

STATE OF GUJARAT

==========

Appearance:
MR ASHISH M DAGLI(2203) for the Applicant(s) No. 1
MR NIRAJ SHARMA ADDITIONAL PUBLIC PROSECUTOR for the Respondent(s) No. 1

==========

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

Date : 10/12/2025

ORAL ORDER

1. Learned Advocate Mr. Ashish Dagli on behalf of the applicant submits that he may be permitted to amend the cause title more particularly submitting that the present applicant is Mineshbhai Arjanbhai Jadav whereas the name has erroneously been mentioned even in the order of the learned Sessions Court as Miteshbhai Arjanbhai Jadav. Permisison is granted. Amendment to be carried out forthwith.

2. Heard learned Advocate Mr. Ashish Dagli on behalf of the applicant and learned Additional Public Prosecutor Mr. Niraj Sharma for the respondent-State.

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

4. The present applicant who has been arraigned as an accused has

preferred this application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 for enlarging the applicant on Regular Bail in connection with FIR No. 11194076250003 of 2025 registered with Morbi ACB Police Station, Morbi for the offence punishable under Sections 7(a), 12 and 13(2) of the Prevention of Corruption Act before filing of the charge-sheet.

5. Learned Advocate for the applicant submits that the applicant is behind bar since 07.11.2025. It is further submitted that considering the nature of allegation, role attributed to the applicant, by imposing suitable conditions, the applicant may be enlarged on bail.

6. As against the same, learned Additional Public Prosecutor appearing for the respondent- State has vehemently objected to the grant fo 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.

7. Learned Advocate for the parties do not press for reasoned order.

8. This Court has heard learned Advocates for the respective parties and perused the FIR as well as order passed by learned Session Court as well as affidavit filed by the investigating officer before the learned Trial Court. Following aspects are considered :

(i) The fact of the applicant being a public servant, having been arraigned in the present offence seeking illegal gratification of Rs. 20,000/- and the co-accused being caught

red handed who was not a Government servant.

(ii) The fact of the recovery from the co-accused, who has been considered for enlargement on regular bail by this Court vide order 26.11.2025 in Criminal Misc. Application No. 24645 of 2025.

(iii) The fact of the applicant being a Government servant, allaying any apprehension of the applicant absconding from trial.

(iv) The fact of the applicant having been suspended and his Headquarter is changed, allaying any apprehension that he would influence the witnesses.

(v) The fact of the applicant being in custody since 07.11.2025.

9. 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**.

10. In the facts and circumstances of the case and considering the nature of the allegations made against 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.

11. Hence, the present application is allowed. The applicant is ordered to be released on bail in connection with FIR No. 11194076250003 of 2025 registered with Morbi ACB Police Station, Morbi on executing a bond of Rs.25,000/- (Rupees Twenty Five Thousands 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] Mark his presence in the concerned Police Station once every 15 days till charge-sheet is filed and thereafter once in a month for a period of six months between 11:00 a.m. to 2:00 p.m.

[f] furnish the proposed residential address to the I.O. and also to the Court at the time of execution of the bond and shall not change the residential address without prior intimation to the I.O.

12. 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 Judge concerned will be free to take appropriate action in the matter.

13. 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.

14. 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.

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

(NIKHIL S. KARIEL,J)

NIRU

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: NIRU ROSHAN SHAH(HC00211), PRINCIPAL PRIVATE SECRETARY, at High Court of Gujarat on 11/12/2025 15:51:11