IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/CRIMINAL MISC.APPLICATION (FOR ANTICIPATORY BAIL) NO. 1516 of 2026
With
R/CRIMINAL MISC.APPLICATION NO. 1533 of 2026

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NARESH JAYANTILAL JAIN

Versus

STATE OF GUJARAT

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Appearance:
MR IH SYED, SR ADVOCATE with MR. AMAAN SYED(14385) for the Applicant(s) No. 1
MR ROHAN SHAH, APP for the Respondent(s) No. 1

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CORAM:**HONOURABLE MR.JUSTICE P. M. RAVAL**

Date : 18/03/2026

ORAL ORDER

1. *Rule*. Learned Additional Public Prosecutor waives service of notice of rule for respondent – State of Gujarat.

2. By these applications under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (*for short, "BNSS"*), the applicant has prayed for anticipatory bail in the event of arrest in connection with the FIR being C.R. Nos. 11210060232281 & 11210060232802 of 2023, registered with Varachha Police Station, District: Surat for the offences punishable under Sections 409, 420, 120B and 34 of the

Indian Penal Code, 1860 (IPC).

3. Learned senior advocate for the applicant would submit that the applicant is falsely implicated in the crime inasmuch as he was working with the main accused *i.e.* the original accused No. 1 and is not direct beneficiary in the so-called transactions and no benefit has been derived by the present applicant. He would submit that even no any Section 138 of NI Act proceeding are filed against the present applicant which substantiates the fact that the applicant has no direct nexus in the offence in question.

3.1 The learned senior advocate for the applicant would submit that the main accused *i.e.* the original accused No. 1 is released on regular bail. Further, he submitted that the present applicant came to be arraigned in three offences with similar allegations, out of which, in two offences the learned Sessions Court has granted anticipatory bail to the present applicant *vide* orders dated 07.01.2026.

3.2 The learned senior advocate for the applicant submits that even otherwise the nature of allegations are such that custodial interrogation at this stage is not necessary. It is further submitted that the applicant will keep himself available during the course of investigation and trial also and will not flee from justice.

3.3 The learned advocate for the applicant further states that the

applicant shall abide by all the conditions that may be imposed while granting anticipatory bail to the applicant. Accordingly, it is urged that these applications may be allowed and to grant the anticipatory bail to the applicant.

4. As against this, the learned Additional Public Prosecutor appearing on behalf of the respondent – State has opposed grant of anticipatory bail looking to the nature and gravity of the offence and requested not to entertain these applications.

4.1 The learned Additional Public Prosecutor would submit that the present applicant is shown as accused No. 2 in the FIRs and that, the applicant is none other than the cousin brother of the main accused i.e. the original accused No. 1 – Meet Sureshkumar Jain. He submitted that there are number of persons whose money has been duped by the present applicant in connivance with the main accused. It is submitted that after the year 2023, not a single penny has been paid by the applicant. Accordingly, in the facts and circumstances of the case, as the custodial interrogation is necessary, the learned Additional Public Prosecutor would submit that these applications may not be entertained.

5. Having heard the learned advocates appearing for the parties and perusing the papers available on record, it is incumbent upon the Court to exercise its discretion judiciously, cautiously and strictly in compliance with the basic principles laid

down in plethora of decisions of the Apex Court on the point. It is well settled that, among other circumstances, the factors to be borne in mind while considering an application for bail are (i) the nature and gravity of the accusation; (ii) the antecedents of the applicant including the fact as to whether he has previously undergone imprisonment on conviction by a Court in respect of any cognizable offence; (iii) the possibility of the applicant to flee from justice; and (iv) where the accusation has been made with the object of injuring or humiliating the applicant by having him so arrested. Though at the stage of granting bail an elaborate examination of evidence and detailed reasons touching the merits of the case, which may prejudice the case of accused, should be avoided. However, following aspects have been taken into consideration:

a) the role attributed to the present applicant to facilitate the alleged transactions and remained present with the original accused No. 1;

b) the original accused No. 1 is released on regular bail;

c) the learned Sessions Court has considered anticipatory bail applications in two other offences with similar allegations;

d) the learned advocate for the applicant has assured that the applicant will not flee from justice and would be available during investigation as well as the trial.

6. Considering the aforesaid aspects and the law laid down by the Hon'ble Apex Court in the case of ***Siddharam Satlingappa***

Mhetre v. State of Maharashtra and Others, *reported in* ***(2011) 1 SCC 6941***, wherein the Hon'ble Apex Court reiterated the law laid down by the Constitution Bench in the case of ***Shri Gurubaksh Singh Sibbia & Others,*** *reported in* ***(1980) 2 SCC 665*** and also the decision in the case of ***Sushila Aggarwal v. State (NCT of Delhi),*** *reported in* ***(2020) 5 SCC 1***, the Court is inclined to allow the present applications.

7. In the result, these applications are allowed by directing that in the event of arrest/ appearance of the applicant in connection with the above-referred FIRs, the applicant shall be released on bail on furnishing a personal bond of **Rs.10,000/- (Rupees Ten Thousand)** with one surety of like amount, **in each case**, on the following conditions that applicant:

(a) shall cooperate with the investigation and make available for interrogation whenever required;

(b) shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the fact of the case so as to dissuade him from disclosing such facts to the court or to any police officer;

(c) shall not obstruct or hamper the police investigation and not to play mischief with the evidence collected or yet to be collected by the police;

(d) shall remain present at the concerned Police Station on **02.04.2026** between 11.00 a.m. and 2.00 p.m. and the Investigating Officer shall ensure that no unnecessary harassment or inconvenience is caused to the applicant;

(e) shall at the time of execution of bond, furnish the address to the investigating officer and the court concerned and shall not change residence till the final disposal of the case till further orders;

(f) shall not leave India without the permission of the Court and if having passport shall deposit the same before the trial Court within a week;

(g) It is open to the police or the investigating agency to move the learned trial Court for a direction under Section 483(2) of the BNSS to arrest the accused, in the event of violation of any term, such as absconding, non-cooperating during investigation, evasion, intimidation or inducement to witnesses with a view to influence outcome of the investigation or trial, etc.

7.1 At the trial, the Trial Court shall not be influenced by the *prima facie* observations made by this Court while considering the bail applications.

8. It is made clear that this order of anticipatory bail does not in any manner limit or restrict the rights or duties of the police or investigative agency to investigate into the charges against the applicant who is granted pre-arrest bail.

9. Rule is made absolute to the aforesaid extent. **Direct service** is permitted.

[P. M. Raval, J.]

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Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: HIREN VIRENDRABHAI MER(HC00351), PRINCIPAL PRIVATE SECRETARY, at High Court of Gujarat on 18/03/2026 14:24:41