IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/CRIMINAL MISC.APPLICATION (FOR REGULAR BAIL - BEFORE CHARGESHEET) NO. 21220 of 2026

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MUKESH VITHTHALBHAI PATEL
Versus
STATE OF GUJARAT

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Appearance:
MR MAULIK M SONI(7249) for the Applicant(s) No. 1
MR MEET THAKKAR, APP for the Respondent(s) No. 1

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CORAM:**HONOURABLE MR. JUSTICE HASMUKH D. SUTHAR**

Date : 29/10/2026

ORDER

[1.0] **RULE.** Learned APP waives service of rule for the respondent-State.

[2.0] The present application is filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short "BNSS") for regular bail in connection with FIR being **C.R. No.I-06 of 2005** registered with **CID Crime Gandhinagar Zone Police Station, District Ahmedabad** for the offences punishable under Sections 420, 465, 467, 468, 471 and 120(B) of the Indian Penal Code, 1860 (for short "IPC").

[3.0] Learned advocate appearing on behalf of the applicant submits that applicant is innocent and has been falsely implicated in the offence and now nothing is required to be recovered or discovered. He therefore submits that, considering the nature of the offence, the applicant may be enlarged on regular bail by imposing suitable conditions.

[4.0] Learned APP appearing on behalf of the respondent-State has opposed the present application and requested to dismiss the present application for regular bail looking to the nature and gravity of the offence.

[5.0] While granting bail, the Court has to consider the involvement of the

accused in the alleged offence, the jurisdiction to grant bail has to be exercised on the basis of the well settled principles having regard to the facts and circumstances of each case and the following factors are to be taken into consideration while considering an application for bail: (i) the nature of accusation and the severity of the punishment and the nature of the materials relied upon by the prosecution; (ii) reasonable apprehension of tampering with the witnesses and threat to the complainant or the witnesses; (iii) reasonable possibility of securing the presence of the accused at the time of trial or the likelihood of his abscondence; (iv) character behaviour and standing of the accused and the circumstances which are peculiar to the accused; (v) larger interest of the public or the State and similar other considerations are required to be considered.

[6.0] I have heard the learned advocates appearing on behalf of the respective parties and perused the investigation papers. Following aspects have been considered:

(1) The offence is committed in the year 1999 however, the complaint is filed after a huge delay of 5 years i.e. in the year 2005 and applicant remained absconding for 21 years however, the allegation against the applicant is that alongwith co-accused, applicant hatched conspiracy and though the deceased died natural death due to blood cancer, offence was registered with Vijaynagar Police Station being I-CR No.52/1999 for the offence under Sections 279 and 304 of the IPC demonstrating it as a fatal accident case by forging documents and thus, have converted the natural death of the deceased to accidental death and used the said documents as genuine one for claiming amount of claim from National Insurance Company under the JPA Policy and accused persons fraudulently received Rs.5 lakh however, co-accused while being enlarged on bail have already deposited Rs.3 lakh and applicant has filed an undertaking to the effect that he shall deposit an amount of Rs.2 lakh within one month from the date of his release, which is taken

on record and even otherwise, substantial part of investigation is over;

(2) None of the offence alleged is punishable with life sentence or death penalty and is triable by the Court of Magistrate;

(3) Applicant is behind the bars since **24.08.2026**;

(4) There is nothing to be recovered or discovered from the applicant;

(5) The applicant is not having any past antecedent**;**

(6) Obviously commencement and conclusion of trial will take some time;

(7) Co-accused similarly situated enlarged on regular bail and therefore, on the ground of parity also ***(Rameshbhai Batubhai Dhabi Vs. State of Gujarat reported in 2011 (3) GLR 1999)***, present application deserves consideration.

[7.0] This Court has also taken into consideration the law laid down by the Hon'ble Apex Court in the case of **Sanjay Chandra vs. Central Bureau of Investigation** reported in **[2012]1 SCC 40** as well as in the case of **Gudikanti Narasimhulu And Ors vs. Public Prosecutor, High Court of Andhra Pradesh** reported in **(1978)1 SCC 240.** Obviously, the conclusion of trial will take time and keeping the accused behind the bars is nothing but amounts to pre-trial conviction and therefore, considering the celebrated principle of bail jurisprudence is that *"bail is a rule and jail is exception"* as well as the concept of personal liberty guaranteed under Article 21 of the Constitution of India, present application deserves consideration.

[8.0] In the facts and circumstances of the case and considering the nature of the allegations made against the applicant in the FIR, 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. Hence, the present application is allowed. The applicant is ordered to be released on regular bail in connection with FIR being **C.R. No.I-06 of 2005** registered with **CID Crime Gandhinagar Zone Police Station, District Ahmedabad** on executing a personal 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 & shall not obstruct or hamper the police investigation and shall not to play mischief with the evidence collected or yet to be collected by the police;

(c) surrender passport, if any, to the Trial Court within a week;

(d) not leave the **territory of State of Gujarat** without prior permission of the Trial Court concerned;

(e) **mark presence before the concerned Police Station once in a week till filing of the chargesheet and after filing of the chargesheet, mark presence before the concerned police station once in a month for a period of six months;**

(f) furnish the ***copy of Aadhaar card, email ID/contact number / permanent and present address of his residence*** to the Investigating Officer and also to the Court at the time of execution of the bond and shall not change the ***residence and contact number/SIM card*** without prior permission of Trial Court;

(g) not to indulge in any illegal activity failing which learned trial Court shall issue warrant and cancel the bail of the applicant.

(h) **shall comply with the undertaking dated 13.10.2026 tendered before this Court failing which learned trial Court shall have liberty to issue warrant against the applicant.**

[9.0] 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 issue warrant or take appropriate action in the matter.

[10.0] 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.

[11.0] At the trial, the trial Court shall not be influenced by the observations of preliminary nature qua the evidence at this stage made by this Court while enlarging the applicant on bail.

[12.0] Rule is made absolute to the aforesaid extent. Direct service is permitted.

(HASMUKH D. SUTHAR, J.)

Ajay

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: AJAY CHANDRAN MENON(HC00939), PRINCIPAL PRIVATE SECRETARY, at High Court of Gujarat on 29/10/2026 14:19:54