IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/CRIMINAL MISC.APPLICATION (FOR ANTICIPATORY BAIL) NO. 23831 of 2026

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CHAUDHARY VIPULBHAI HIMMATBHAI
Versus
STATE OF GUJARAT

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Appearance:
MR. MAULIK M SONI(7249) for the Applicant(s) No. 1
MR RONAK RAVAL APP for the Respondent(s) No. 1

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CORAM:**HONOURABLE MR.JUSTICE SANJEEV J.THAKER**

Date : 08/10/2026

ORAL ORDER

1. By way of this application under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (*for short, "BNSS"*), the applicant has prayed for anticipatory bail in the event of his arrest in connection with the FIR being **C.R. No.11195018261059 of 2026 registered with Dhanera Police Station, District: Banaskantha** for the offences punishable under Sections 316(5) and 54 of the B.N.S., 2023.

2. *Rule*. Learned Additional Public Prosecutor waives service of notice of rule on behalf of respondent – State.

3. Learned advocate for the applicant submits that the nature of allegations in the impugned FIR are such that custodial interrogation of the applicant is not necessary at this stage. It is submitted that the applicant is ready and willing to deposit the

amount of Rs.27,425/-, alleged to have been siphoned off by him while discharging duties as Loan Officer in the Company, with the Bank concerned within a period of one week from today, without prejudice to his rights and contentions.

3.1 Learned advocate for the applicant further submitted that the applicant shall abide by all the conditions that may be imposed by this Court while granting anticipatory bail to the applicant. Accordingly, it is urged that the application may be allowed and the applicant may be enlarged on anticipatory bail.

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

5. Having heard learned advocates appearing for the parties and on perusal of the 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 accusations; (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; (iv) where the accusation has been made with the object of injuring or humiliating the applicant by having him so arrested and that, 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, prima facie, the following aspects have been taken into consideration:

a) the readiness and willingness of the applicant to deposit the amount of Rs.27,425/- with the Bank concerned within a period of one week from today;

b) the applicant has no past antecedents;

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

7. In the result, the application is allowed and in the event of arrest of the applicant in connection with the above-referred FIR, 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 to the satisfaction of the trial Court concerned and on the following conditions;

(a) as voluntarily submitted, the applicant will deposit the amount of Rs.27,425/- with the Bank concerned within a period of one week from today and shall cooperate with the investigation and make himself 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 **15.10.2026** between 11.00 a.m. and 2.00 p.m.;

(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 or the complainant 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 During the trial, the trial Court shall not be influenced by the *prima facie* observations made by this Court while considering the bail application.

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 investigating agency to investigate into the charges against the applicant, who has been granted pre-arrest bail.

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

(SANJEEV J.THAKER, J)

PRAVIN KARUNAN

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: PRAVIN KARUNAN(HC00181), Principal Pvt. Secretary, at High Court of Gujarat on 08/10/2026 18:06:46