IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/CRIMINAL MISC.APPLICATION (FOR REGULAR BAIL - AFTER CHARGESHEET) NO. 24072 of 2026

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MAYUR HASMUKHBHAI HIRPARA (AS PER F.I.R. CHARGE SHEET AND BAIL ORDER)

Versus

STATE OF GUJARAT

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Appearance:
MR. MIHIRSINH D CHAUHAN(21076) for the Applicant(s) No. 1
DHAIRYA J PATEL(10110) for the Respondent(s) No. 1
MR.ADITYA J PANDYA(6991) for the Respondent(s) No. 1
MR UTKARSH SHARMA, APP for the Respondent(s) No. 1

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CORAM:**HONOURABLE MR. JUSTICE HASMUKH D. SUTHAR**
Date : 27/10/2026

ORDER

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

[2.0] Present applications are 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.11216001260503 of 2026** registered with **Adalaj Police Station, District Gandhinagar** for the offences punishable under Sections 318(3), 61(2), 308(2), 336(2), 336(3) and 338 of the Bharatiya Nyaya Sanhita, 2023 (for short "BNS").

[3.0] Learned advocate for the applicant has submitted that the present applicant has been falsely implicated in the offence. It is submitted that the present applicant has not played any active role in the alleged offence. It is further submitted that only a draft sale deed was prepared in favour of the present applicant, and a soft copy thereof was sent to the co-accused. There is no allegation against the present applicant regarding any inducement or demand for money. The present applicant has neither signed any document nor acted as a witness in any proceedings. Further, no transaction has been completed in favour of the present applicant, and no benefit has accrued to him from the alleged transactions. The alleged franking has also not been

done by the present applicant. It is further submitted that the co-accused, who had a greater role in the alleged offence, has already been considered by this Court. 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 and learned advocate appearing on behalf of the original Complainant have raised objection on the ground that the present applicant has two past antecedents involving similar offences and that the alleged offence is serious in nature. It is further submitted that, if released on bail, the possibility of the applicant tampering with the evidence or indulging in similar offences cannot be ruled out. It is also alleged that the present applicant was involved in fraudulent transactions and that an attempt was made to extort an amount of Rs. 40 crores in connection with the same transactions. Considering the aforesaid fact, they have 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. investigation is over and charge-sheet is filed;
2. The applicant was arrested on 28.06.2026;
3. applicant is having one past antecedent, however the accused is governed by presumption of innocence unless and until proved guilty;
4. commencement and conclusion of trial will take its own time;
5. None of the offence alleged is punishable with life sentence or death penalty;
6. It appears that as per the case of prosecution, the complainant is having the property situated at village Amiyapur in connection of which forged special power of attorney dated 29.06.2019 was created in the name of complainant as well as his brother by forging and fabricating Aadhar card and photographs and by putting forged signatures before the Notary Mr. Varadiya and based on the said forged power of attorney, an attempt was made to transfer the said property in favor of accused No.2 – Mayur Hasmukhbhai Hirpara, who is not before this Court. Further, it is alleged that based on said forged power of attorney, three different unregistered sale deeds have been prepared however, it is pertinent to note that said sale deeds have never ever been registered before the Sub-Registrar. If we consider the said fact, it goes without saying that if any property is required to be transferred then registration is compulsory and without registration, question of transferring the title of the said property does not arise.
7. It appears that the present applicant's name is mentioned in the draft sale-deed and no any title is transferred in favour of the present applicant;
8. case is based on the documentary evidence;
9. Now, nothing is further required to be recovered and discovered from

the present applicant;

10. co-accused is having greater role is released on bail by this Court. Considering the decision rendered in case of **Rameshbhai Batubhai Dabhi vs. State of Gujarat** reported in **(1999) 3 GLR 1150,** on the ground of parity, the present application may be allowed;

11. Prosecution has failed to point out any circumstances to extend the incarceration of the present applicants.

[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.11216001260503 of 2026** registered with **Adalaj Police Station, District Gandhinagar,** 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 State of Gujarat without prior permission of the Trial Court concerned;

(e) mark presence before the concerned Police Station once a month for six months between 11.00 a.m. and 2.00 p.m.;

(f) furnish the UIDAI Number, Contact Number/s, Passport Number (if he is having the passport), E-mail address 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 without prior permission of Trial Court;

[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)

KUMAR ALOK

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: ALOK KUMAR(HC01091), PRIVATE SECRETARY, at High Court of Gujarat on 27/10/2026 18:04:35