

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CRIMINAL MISC.APPLICATION (FOR REGULAR BAIL - AFTER CHARGESHEET) NO. 13523 of 2026**

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AMITKUMAR S/O. RAJKUMAR JITRAWAL

Versus

STATE OF GUJARAT

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Appearance:

MR PRATIK B BAROT(3711) for the Applicant(s) No. 1

MR HK PATEL, APP for the Respondent(s) No. 1

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CORAM:HONOURABLE MR. JUSTICE HASMUKH D. SUTHAR**Date : 27/07/2026****ORDER**

[1.0] **RULE.** Learned APP waives service of rule for the respondent-State. Though duly served, none appears for respondent No.2.

[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.11201015220004 of 2022 registered with CID Crime Rajkot Zone Police Station, Rajkot City**, for the offence under Sections 406, 408, 409, 420 and 120B of the Indian Penal Code and Section 66(D) of the IT Act.

[3.0] The learned advocate appearing on behalf of the applicant submits that the applicant is innocent and has been falsely implicated in the offence. No recovery or discovery is required to be made. He, therefore, submits that, considering the nature of the offence, the applicant may be enlarged on regular bail subject to suitable conditions. To demonstrate his *bona fides*, the applicant has filed an undertaking stating that he will deposit a sum of Rs. 10,00,000/- before the learned District and Sessions Court, Rajkot, within a period of three months from the date of his actual release.

[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 on the ground that the applicant is very much involved in the present offence and considering the gravity of offence, no case is made out to entertain present bail application. Therefore, present application does not deserve consideration.

[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) Applicant is behind the bar since **30/01/2026**;
- (3) There is nothing to be recovered or discovered from the applicant;

- (4) The applicant has no past antecedent.
- (5) The allegations against the present applicant are that he, in connivance with the other accused persons, entered into a criminal conspiracy to establish a fake online company under the name and style of "The Trade Lord". It is alleged that the informant and approximately 460 other investors were induced to invest their money on the false assurance of earning a daily return of 1% on their investment. The prosecution further alleges that a total sum of Rs.1,01,51,981/- was collected from the investors. However, after the company went offline on 12.11.2020, neither the principal amount nor the promised returns were repaid, thereby dishonestly cheating the investors and committing criminal breach of trust.
- (6) Co-accused having similarly situated role are 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) Obviously commencement and conclusion of trial will take its own time.
- (8) To demonstrate his *bona fides*, the applicant has filed an undertaking stating that he will deposit a sum of Rs.10,00,000/- before the learned District and Sessions Court, Rajkot, within a period of three months from the date of his actual release.

[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.11201015220004 of 2022 registered with CID Crime Rajkot Zone Police Station, Rajkot City**, 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/she 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 in

every month for a period of six months between 11.00 a.m. and 2.00 p.m.;

- (f) furnish the **Aadhaar card, email ID/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/contact number** 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) **The applicant shall deposit an amount of Rs.10,00,000/- in three equal installments before the Sessions Court, Rajkot, within a period of three months from the date of his actual release. It is clarified that, in the event of failure to comply with this condition, the bail granted by this Court shall stand automatically cancelled. In such an eventuality, the learned Sessions Judge shall be at liberty to issue a warrant for the arrest of the applicant and take him into custody in accordance with law.**

[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)

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