

(2025) 12 GUJ CK 0034

Gujarat High Court

Case No: R/Criminal Misc.Application (For Regular Bail - After Chargesheet) No. 26509 Of 2025

Rameshbhai Kalubhai Baku

APPELLANT

Vs

State Of Gujarat

RESPONDENT

Date of Decision: Dec. 17, 2025

Acts Referred:

- Bharatiya Nagarik Suraksha Sanhita, 2023-Section 483
- Indian Penal Code, 1860-Section 120B, 406, 409, 465, 468, 471

Hon'ble Judges: Nikhil S. Kariel, J

Bench: Single Bench

Advocate: HR Prajapati, Aditya Jadeja

Final Decision: Allowed

Judgement

Nikhil S. Kariel, J

1. Heard learned advocate Mr.H.R. Prajapati appearing on behalf of the applicant and learned Additional Public Prosecutor Mr. Aditya Jadeja appearing on behalf of the respondent-State.

2. Rule. Learned APP waives service of rule on behalf of the respondent-State.

3. The applicant has filed this application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 for enlarging the applicant on Regular Bail in connection with FIR being C.R. No. 11203004230348 of 2023 registered with C Division Police Station, Junagadh, for the offence punishable under Sections 409, 406, 465, 468, 471 and 120B of the Indian Penal Code.

4. Learned advocate for the applicant would submit that considering the role attributed to the applicant, and nature of the allegation levelled, the applicant may be enlarged on regular bail. It is further submitted that since the charge-sheet is filed, no useful purpose would be served by keeping the applicant in jail for

indefinite period. It is further contended that the applicant is ready and willing to abide by all the conditions that may be imposed by this Court if released on bail.

5. As against the same, learned Additional Public Prosecutor appearing for the respondent State has vehemently objected to the grant of regular bail. Learned APP has submitted that looking to the nature of offence and the role attributed to the present applicant as coming out from the charge-sheet, this Court may not exercise the discretion in favour of the applicant and the application may be dismissed.

6. I have heard learned advocates appearing on behalf of the respective parties and perused the papers. Following aspects are considered:-

i. The allegation being that the applicant had misappropriated funds which were given to students as a scholarship by the State Government, more particularly the applicant being the Principal of the Institution in question and whereas while a total amount of Rs. 9,16,400/- was disbursed to be paid to the students, and whereas an amount of Rs. 4,06,000/- + Rs. 26,600/- was disbursed, and as far as the remaining students are concerned, the allegation being that after the amount was deposited in the account of the students, the applicant had taken the money back from the students.

ii. The statement made by learned Advocate for the applicant that though the applicant is wrongly implicated, yet to show his bona fide he will deposit an amount of Rs. 4,00,000/- with the learned Trial Court.

This Court has taken into consideration the law laid down by the Honble Apex Court in the case of Sanjay Chandra v. Central Bureau of Investigation reported in [2012] 1 SCC 40.

7. In the facts and circumstances of the case and considering the nature of the allegations made against in the First Information Report, 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.

8. Hence, the present application is allowed. The applicant is ordered to be released on bail in connection with F.I.R. registered as C.R. No. 11203004230348 of 2023 registered with C Division Police Station, Junagadh, on depositing Rs.100,000/- (Rupees One Lakh Only) as a pre- condition of release on bail with the learned Trial Court and on executing a bond of Rs.10,000/- (Rupees Ten Thousand only) with one surety of the like amount to the satisfaction of the trial Court and whereas the remaining Rs.3,00,000/- (Rupees Three Lakhs Only) shall be deposited within a period of one month from the date of his release 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;

[c] surrender passport, if any, to the lower court within a week;

[d] not leave the State of Gujarat without prior permission of the Sessions Court concerned;

[e] furnish the present address of residence to the I.O. and also to the Court at the time of execution of the bond and shall not change the residence without prior intimation to the I.O.;

[f] mark presence once a month for a period of six months before the concerned police station.

9. 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 Court concerned will be free to take appropriate action in the matter.

10. 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. At the stage of trial, the trial court shall not be influenced by any observations of this Court which are of preliminary nature made at this stage, only for the purpose of considering the application of the applicant for being released on regular bail.

12. The application is allowed in the aforesaid terms. Rule is made absolute to the aforesaid extent. Direct service is permitted.