

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**

**R/CRIMINAL MISC.APPLICATION (FOR ANTICIPATORY BAIL) NO. 5333  
of 2024  
With  
CRIMINAL MISC.APPLICATION (FIXING DATE OF EARLY HEARING) NO.  
1 of 2024  
In R/CRIMINAL MISC.APPLICATION NO. 5333 of 2024**

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NARENDRASINH GULABSINH BILDHAIYA  
Versus  
STATE OF GUJARAT

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Appearance:

MR.HITENDRA D RAJPUT(7224) for the Applicant(s) No. 1  
MR TRUPESH KATHIRIA APP for the Respondent(s) No. 1

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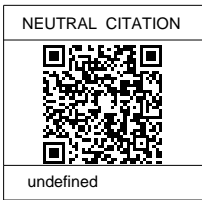
**CORAM:HONOURABLE MR. JUSTICE HEMANT M.  
PRACHCHAK**

**Date : 09/05/2024**

**ORAL ORDER**

[1] **Rule.** Mr. Trupesh Kathiria, learned Assistant Government Pleader waives service of notice of rule on behalf of the respondent No.1 - State of Gujarat.

[2] By way of the present application under Section 438 of the Code of Criminal Procedure, 1973, the applicant - original accused has prayed to release him on anticipatory bail in case of his arrest in connection with the FIR registered as **C.R No.11201002210011 of 2021** before **CID Crime, Ahmedabad Zone, Ahmedabad City Police Station** for the offences under Sections 406, 420, 114 and 120-B of the Indian Penal Code and Section 3 of Gujarat Protection of Interest of



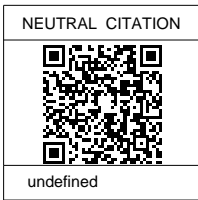
Depositors (In Financial Establishment) Act, 2003.

[3] Heard Mr.Hitendra D. Rajput, learned advocate for the applicant and Mr.Trupesh Kathiria, learned Additional Public Prosecutor for the respondent – State of Gujarat.

[4] Mr.Rajput, learned advocate for the applicant submits that the co-accused has already been enlarged on anticipatory bail by this Court vide order dated 22.3.2024 passed in Criminal Misc. Application No.4152 of 2024. He has further submitted that other co-accused has preferred application being Criminal Misc. Application No.22483 of 2021 for quashing the impugned FIR, wherein this Court had issued notice and also issued notice as to *interim relief*. The said order dated 22.12.2021 passed in Criminal Misc. Application No.22483 of 2021 reads as under:-

- "1. Heard Mr. M.S. Shah, learned advocate for the applicant.
2. This application has been filed for quashing of FIR registered for the offence punishable under Sections 406, 420 and 120-B of the IPC and Section 3 of Gujarat Protection of Interest of Depositors (In Financial Establishment) Act, 2003.
3. It is submitted that the applicant has filed one application being Criminal Misc. Application (For Anticipatory Bail) No.20868 of 2021 whereby he has been protected by Coordinate Bench of this Court.
4. Let notice and notice as to interim relief be issued returnable on 19.01.2022. Learned APP waives service of notice for and on behalf of the respondent-State."

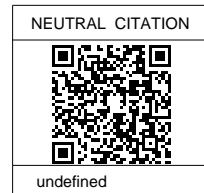
[5] Learned advocate for the applicant has further submitted that the nature of allegations are such for



which custodial interrogation at this stage is not necessary. He submits that besides the applicant will be available during the course of investigation and will not flee away from the justice. He submits that in view of the above, the applicant may be enlarged on anticipatory bail by imposing suitable conditions.

[6] Mr.Kathiria, learned Additional Public Prosecutor appearing on behalf of the respondent - State of Gujarat has opposed the grant of anticipatory bail on the grounds that considering the nature and gravity of the offence. He submits that the applicant has committed serious offence and therefore he may not be released on bail. However, Mr. Kathiria, learned Additional Public Prosecution for the respondent State of Gujarat is not in a position to defend the order passed by this Court dated 22.3.2024 in Criminal Misc. Application No.4152 of 2024 and the order 22.12.2021 passed in Criminal Misc. Application No.22483 of 2021.

[7] Mr.Kathiria, learned Additional Public Prosecutor appearing on behalf of the respondent - State of Gujarat has pointed out from the order of the Trial Court that the applicant was Additional Directors of the company. He has submitted that the applicant and other co-accused have floated the scheme to grant/allocate plots in the disputed land therefore, interested persons have invested their money for the purpose of purchasing the plot in the dispute land, but the applicant and other co-accused persons have not allocated the plots to the interested

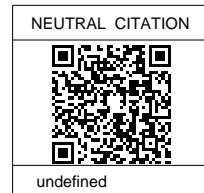


persons and also not returned the money to the concerned persons and therefore, they have committed an offence under the GPID which is *prima facie* established.

[8] It appears that the dispute is civil in nature. It also appears that the co-accused has already been enlarged on anticipatory bail by this Court vide order dated 22.3.2024 passed in Criminal Misc. Application No.4152 of 2024 and one of the co-accused has preferred application being Criminal Misc. Application No.22483 of 2021 for quashing the impugned FIR, wherein this Court vide order dated 22.12.2021 issued notice and also issued notice as to *interim relief*.

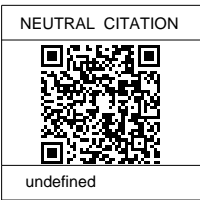
[9] This Court has also taken into consideration the law laid down by the Hon'ble Apex Court in the case of **Shri Gurubaksh Singh Sibbia & Ors.**, reported at **(1980) 2 SCC 665** and in the case of **Sushila Aggarwal Vs. State (NCT of Delhi)** reported in **AIR 2020 SC 831**.

[10] In the result, the present application is allowed by directing that in the event of applicant herein being arrested pursuant to FIR registered as **C.R No.11201002210011 of 2021** before **CID Crime, Ahmedabad Zone, Ahmedabad City Police Station**, the applicant shall be released on bail on furnishing a personal bond of Rs. 10,000/- (Rupees Ten Thousand only) with one surety of like amount on the following conditions that the applicant shall :



- (a) cooperate with the investigation and make available for interrogation whenever required;
- (b) remain present at concerned Police Station on **15.05.2024** between 11.00 a.m. and 2.00 p.m.;
- (c) not directly or indirectly make any inducement, threat or promise to any person acquainted with the fact of the case so as to dissuade from disclosing such facts to the court or to any police officer;
- (d) not obstruct or hamper the police investigation and not to play mischief with the evidence collected or yet to be collected by the police;
- (e) 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) not leave India without the permission of the Court and if having passport shall deposit the same before the Trial Court within a week;

[11] Despite this order, it would be open for the Investigating Agency to apply to the competent Magistrate, for police remand of the applicant. The applicant shall remain present before the learned Magistrate on the first date of hearing of such application and on all subsequent occasions, as may be directed by the learned Magistrate. This would be sufficient to treat



the accused in the judicial custody for the purpose of entertaining application of the prosecution for police remand. This is, however, without prejudice to the right of the accused to seek stay against an order of remand, if, ultimately, granted and the power of the learned Magistrate to consider such a request in accordance with law. It is clarified that the applicant, even if, remanded to the police custody, upon completion of such period of police remand, shall be set free immediately, subject to other conditions of this anticipatory bail order. At the trial, the Trial Court shall not be influenced by the prima facie observations made by this Court while enlarging the applicant on bail. Rule is made absolute.

In view of the order passed in the main matter the Criminal Misc. Application for fixing date of early hearing does not survive and the same stands disposed of accordingly.

**Direct service is permitted.**

SURESH SOLANKI

**(HEMANT M. PRACHCHAK,J)**