

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

**R/CRIMINAL MISC.APPLICATION NO. 7014 of 2024  
(FOR SUCCESSIVE REGULAR BAIL - AFTER CHARGESHEET)**

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PRATIK PRAFULBHAI VASAVA

Versus

STATE OF GUJARAT

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Appearance:

MR KISHAN H DAIYA(6929) for the Applicant(s) No. 1

MR DHAWAN JAYSWAL APP for the Respondent(s) No. 1

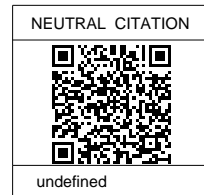
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**CORAM:HONOURABLE MR. JUSTICE DIVYESH A. JOSHI**

**Date : 23/04/2024**

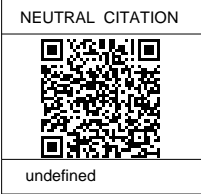
**ORAL ORDER**

1. Rule. Learned APP waives service of notice of rule for respondent – State of Gujarat.
2. The present application is filed under Section 439 of the Code of Criminal Procedure, 1973, for regular bail in connection with the FIR being C.R. No.11993016230006/2023 registered with the Cyber Crime Police Station for the offence punishable under Sections 406, 420 and 114 of the Indian Penal Code and under Sections 66(C) and 66(D) of the IT Act.
3. Learned advocate for the applicant submitted that the so-called incident has taken place for the period between 03.11.2023 to 28.11.2023, for which, the FIR has been lodged on 15.12.2023 and the applicant has been arrested in connection with the same on 21.01.2024 and since then, he is in



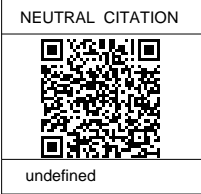
judicial custody. Learned advocate submitted that now the investigation is completed and after submission of the chargesheet, the present application is preferred. Learned advocate submitted that all the offences are exclusive triable by the Court of Magistrate and entire documents have already been collected and the case is based on documentary evidence. Learned advocate submitted that as per the case of the prosecution, the applicant is acted as Mediator and he has supplied the bank account of one Narendrakumar to the co-accused, Wasim and for that purpose, the applicant has received Rs.30,000/-, except this, there is no other role attributed to the present applicant. Learned advocate submitted that in fact, the brother of the applicant has filed an affidavit (undertaking) to the effect that the amount of Rs.30,000/-, which has been received by the applicant will be deposited before the concerned court without prejudice to his rights and contentions within a month from the date of his release and the applicant will also file an affidavit reiterating the facts narrated by the brother of the applicant in his affidavit. It is, therefore, urged that considering the nature of the offence, the applicant may be enlarged on regular bail by imposing suitable conditions.

4. Learned APP for the respondent-State has opposed grant of regular bail looking to the nature and gravity of the offence. It is submitted that the



role of the present applicant is clearly spelt out from the papers of the chargesheet and, hence, the present application may not be entertained.

5. Learned advocates appearing on behalf of the respective parties do not press for further reasoned order.
6. I have heard the learned advocates appearing on behalf of the respective parties and perused the papers of the investigation and considered the allegations levelled against the applicant and the role played by the applicant. It is found out from the record that the present application is preferred after submission of the chargesheet and now the investigation is completed and the applicant is in jail since 21.01.2024. All the offences are exclusively triable by the Court of Magistrate and entire case of the prosecution hinges upon documentary evidence, which have already been collected by the IO. Over and above that, willingness has been shown by the applicant to deposit Rs.30,000/- without prejudice to his rights and contentions within a month from the date of his release. I have considered the role attributed to the present applicant at the time of commission of crime. Therefore considering the above factual aspects, the present application deserves to be allowed.
7. This Court has also taken into consideration the law laid down by the Hon'ble Apex Court in the case of **Sanjay Chandra v. Central Bureau of**



**Investigation**, reported in [2012] 1 SCC 40 as well as in case of **Satender Kumar Antil v. Central Bureau of Investigation & Anr.** reported in (2022) 10 SCC 51.

8. 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.
9. Hence, the present application is allowed. The applicant is ordered to be released on regular bail in connection with the FIR being C.R. No.11993016230006/2023 registered with the Cyber Crime Police Station on executing a personal bond of Rs.15,000/- (Rupees Fifteen 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 injuries to the interest of the prosecution;
  - [c] surrender passport, if any, to the concerned court within a week;
  - [d] not leave the State of Gujarat without prior permission of the concerned court;
  - [e] mark presence before the concerned Police Station on alternate Monday of every English



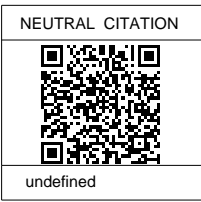
calendar month for a period of six months between 11:00 a.m. and 2:00 p.m.;

[f] furnish the present address of residence to the Investigating Officer and also to the Court at the time of execution of the bond and shall not change the residence without prior permission of this Court;

[g] shall deposit an amount of Rs.30,000/- before the concerned court without prejudice to his rights and contentions within a months and shall also file an undertaking to that effect within a week from the date of his release reiterating the facts as narrated by the brother of the applicant in his affidavit and shall also abide by the same;

10. 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 concerned Sessions Judge concerned will be free to issue warrant or take appropriate action in the matter. 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 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. Rule is made absolute to the aforesaid extent.  
Direct service is permitted.

**(DIVYESH A. JOSHI, J.)**

Gautam