

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD****R/CRIMINAL MISC.APPLICATION NO. 10505 of 2023**

ARVINDBHAI BALUBHAI VORA  
Versus  
STATE OF GUJARAT

Appearance:

MR ANSHUL R JAIN(12585) for the Applicant(s) No. 1  
MR LOVE R SHARMA(11959) for the Applicant(s) No. 1  
MS. SHRUTI PATHAK, APP for the Respondent(s) No. 1

**CORAM:HONOURABLE MS. JUSTICE S.V. PINTO**

**Date : 08/09/2023**  
**ORAL ORDER**

- 1) This application is filed by the applicant under Section 439 of the Code of Criminal Procedure, 1973 for regular bail after filing of charge-sheet, in connection with FIR registered as **I-C.R.No. 11210015220240 of 2022** with **DCB Police Station, Surat** for the offence punishable under Sections 409, 465, 467, 468, 471, 420, 120(B) and 34 of the Indian Penal Code, 1860.
- 2) Learned advocate for the applicant has submitted that the applicant is ready and willing to cooperate with the investigation in any manner and ready and willing to deposit any amount, if necessary, and he has been falsely implicated in the alleged offence and learned advocate submitted that no notice has been issued to the applicant by the GST authority. Learned advocate for the applicant has submitted that co-accused have been released on regular bail by the coordinate Bench of this Court and on the ground of parity also, the applicant may be enlarged on regular bail by imposing suitable conditions.

3) On the other hand, the learned Additional Public Prosecutor appearing for the respondent-State has opposed grant of regular bail looking to the nature and gravity of the offence.

4) Learned Advocates appearing on behalf of the respective parties do not press for a further reasoned order.

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

*i) The applicant is in custody since **14.02.2023***

*ii) The Investigation is over and the charge-sheet has been filed by the Investigating Officer but till date charge has not been framed;*

*(iii) No notice has been issued to the present applicant by the GST authority;*

*(iv) Since the charge sheet is filed; trial may take its own course;*

*(v) Other co-accused have been released on regular bail either by this Court or by Sessions Court vide Criminal Misc. Application No. 6841 of 2023 and Criminal Misc. Application No. 7045 of 2023;*

*(vi) role attributed to the present applicant;*

*(vii) Learned Additional Public Prosecutor under the instructions of the Investigating Officer is unable to bring on record any special circumstances against the applicant.*

*(vii) applicant is ready and willing to give an undertaking to cooperate in the investigation as and when it will be required by the officer concerned;*

6) This Court has 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.

7) In the facts and circumstances of the case and considering the nature of the allegations made against the applicant 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 regular bail in connection with **I-C.R.No. 11210015220240 of 2022** with **DCB Police Station, Surat** on executing a personal bond of **Rs.10,000/-** (Rupees Ten Thousand only) 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) not leave the State of India without prior permission of the Trial Court concerned;*

*(d) furnish the 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 without prior permission of Trial Court;*

*(e) mark presence before the concerned Police Station once in a month for a period of six months till the trial is over between 11.00 a.m. and 2.00 p.m.;*

*[f] shall give an undertaking to attend the trial Court proceedings regularly and extend full cooperation in conducting the trial.*

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 Judge concerned will be free to issue warrant or 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 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) The application is allowed in the aforesaid terms. Rule is made absolute to the aforesaid extent. Direct Service is permitted.

VVM

**(S. V. PINTO,J)**