

(2025) 11 GUJ CK 1928
In the Gujarat High Court

Case No : R/Criminal Misc.Application (For Regular Bail - After Chargesheet) No. 21639 Of 2025

Parmar Amrutbhai Dineshbhai

APPELLANT

Vs

State Of Gujarat

RESPONDENT

Date of Decision : 11-11-2025

Acts Referred:

Bharatiya Nagarik Suraksha Sanhita, 2023 — Section 483
Indian Penal Code, 1860 — Section 409

Citation : (2025) 11 GUJ CK 1928

Hon'ble Judges : Nikhil S. Kariel, J

Bench : Single Bench

Advocate : Vivek V Bhamare, NJ Sharma

Final Decision : Allowed

Judgement

Nikhil S. Kariel, J

1. Heard learned advocate Mr.Vivek Bhamare appearing on behalf of the applicant and learned Additional Public Prosecutor Mr.N.J.Sharma 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. 11204046240662/2024 registered with Nadiad Town Police Station, Kheda for the offence punishable under Section 409 of Indian Penal Code.

4. Learned advocate Mr.Bhamare for the applicant would submit that the allegation of the applicant is of misusing his position as a sales manager of the bank in question more particularly the allegation being that the applicant had defrauded a customer who is a senior citizen and misappropriated the fixed deposit of the customer amounting to Rs.2,13,000/-. Learned advocate would

submit that the present applicant had been arrested on 23.07.2025 and is in custody since then. It is submitted that charge-sheet has already been laid and whereas, there being no requirement of the applicant to remain in custody any further, this Court may consider this application.

5. As against the same, learned Additional Public Prosecutor Mr.Sharma appearing for the respondent – State has vehemently opposed the grant of regular bail. Learned APP would further submit that the applicant had misused his position and had defrauded the customer by misusing the trust of the customer and encashed the fixed deposit in his favour. It is submitted by learned APP that as such, the bank had already repaid the amount to the customer after the customer had gone to the banking ombudsman. Learned APP would submit that since the public money is involved, this Court may not grant regular bail to the present applicant at this stage.

6. Having regard to the fact that the applicant has prayed for grant of regular bail, learned Advocates appearing on behalf of the respective parties do not press for further reasoned order.

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

i. The fact of the incident in question being a one time affair and not a large scale fraud at the instance of the present applicant.

ii. The fact of the charge-sheet having been filed.

iii. The aspect of the bank having repaid the amount to the customer.

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.

8. 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.

9. 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. 11204046240662/2024 registered with Nadiad Town Police Station, Kheda, on executing a 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 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 permission of this Court;

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

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

11. 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.

12. 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.

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