IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/SPECIAL CRIMINAL APPLICATION (CANCELLATION OF BAIL) NO. 2437 of 2023

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ARCHIT RAMRATAN AGRAWAL

Versus

PRADIP KUMAR, @ ABHISHEK KUMAR, @ RAVI, @ ABHINAV TIWARI, S/O DINNANTH SINGH & ANR.

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Appearance:
PRANAV D THAKKAR(8501) for the Applicant(s) No. 1
VIJAYKUMAR B LIMBACHIYA(8763) for the Applicant(s) No. 1
ANURAG R RATHOR(9315) for the Respondent(s) No. 1
MR HARDIK MEHTA, ADDITIONAL PUBLIC PROSECUTOR for the Respondent(s) No. 2

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CORAM:**HONOURABLE MS. JUSTICE GITA GOPI**

Date : 26/02/2026

ORDER

1. The present petition is moved by the original complainant who is the Director and authorised signatory of M/s. Globe Ecologistics Private Limited having its Registered Office at 62, New York Tower, Sarkhej Gandhinagar Highway, Thaltej, Ahmedabad under Section 439(2) of the Code of Criminal Procedure, 1973 (hereinafter referred to in short as 'Cr.P.C.') for quashing and setting aside the order dated 29.11.2022 passed below Exhibit No.1 in Criminal Misc. Application No.3916 of 2022 by the learned Additional Sessions Judge, City Civil and Sessions Court, Ahmedabad and for cancellation of bail order granted to the respondent accused dated 02.02.2022 in

Criminal Miscellaneous Application No.22444 of 2021. The FIR No.11191067210070 of 2021 was registered with the Cyber Crime Police Station, Ahmedabad for the offences punishable under Sections 406, 420 and 120(B) of the Indian Penal Code (IPC) and under Sections 66(c) and 66(d) of the Information Technology Act.

2. The complainant prior to the present petition had moved an application before the City Civil and Sessions Court, Ahmedabad for cancellation of bail to the respondent. Such application came to be rejected on 29.11.2022 by the City Civil and Sessions Court, Ahmedabad in Criminal Misc. Application No.3916 of 2022.

3. Learned advocate for the petitioner Mr. Pranav Thakkar submitted that the primary ground for making a prayer for cancellation of bail is that the respondent No.1 while making prayer for bail had suppressed the material fact wherein he had not disclosed his earlier antecedents which are three in number, apart from the present matter. It is stated that if the Court had known about the

amount involved in each of the matters, it would have certainly rejected the bail application. Learned advocate Mr. Pranav Thakkar has placed reliance on the judgment of the Hon'ble Supreme Court in the case of **Zeba Khan v. State of U.P. and Others** in Criminal Appeal No.825 of 2026, arising out of SLP (Crl.) No.12669 of 2025. Referring to the relevant Paragraphs 48 and 49, learned Mr. Pranav Thakkar submitted that it is observed by the Apex Court, that the accused seeking bail, at any stage of proceedings, is under an obligation to disclose all material particulars including criminal antecedents, duly supported by an affidavit. It is further submitted that the intention of the Apex Court insisting for disclosing of the application is with a view to promote uniformity, transparency and integrity in bail adjudication. Learned advocate Mr. Pranav Thakkar reliance on Paragraph 49 of the decision in the case of **Zeba Khan** (supra) is to submit that the Apex Court has laid down the frame work, though it is purely recommendatory in nature, evolved in continuation of, and consonance with the principles laid down by Court concerning full and candid disclosure in bail proceedings. The framework is intended to act as a

facilitative guide, leaving it open to the respective Courts to adopt, adapt or refine the same in accordance with their procedural framework and the exigencies of individual cases. Adv. Thakkar contended that non-disclosure of the earlier antecedents by the accused should result in cancellation of bail granted.

4. While countering the arguments, learned advocate for the respondent accused Mr. Anurag Rathore has relied on the Circular No.RJ/21/2025, passed by the Registry of this Court on 01.08.2025 relying on the judgment dated 18.07.2025 passed by the Apex Court in Criminal Appeal No.3053 of 2025 in the case of **Kaushal Singh v. The State of Rajasthan**. Thus, it is submitted that the Circular has been passed on 01.08.2025 while the bail order which is sought to be cancelled is dated dated 02.02.2022 in Criminal Miscellaneous Application No.22444 of 2021. It is further stated that the judgment of **Kaushal Singh** (supra) as referred to in the Circular of the Registrar (Judicial) would not have a binding force on the application nor the recent judgment which has been referred by the petitioner’s advocate Mr. Pranav Thakkar

of **Zeba Khan** (supra), which is dated 11.02.2026 having persuasive value for the petitioner to abide by the norms as recommended by the Apex Court since the bail application was moved and granted much earlier. Learned Advocate Mr. Rathor, thus submitted that the cancellation of bail should be moved or entertained only if there is a cogent case which is based on supervening events which would make the release of the accused having some deterring effect on the trial. Learned advocate Mr. Anurag G. Rathor has relied on the judgment of this Court dated 19.07.2024 in the case of **Kadarsha Latifsha Saiyed thro Jamilsha Kadarsha Saiyed v. State of Gujarat** in Criminal Revision Application No.1058 of 2024 and the judgment dated 21.08.2024 in the case of **Chauhan Mahendrasinh Udesinh v. State of Gujarat** in Criminal Revision Application No.1277 of 2024.

5. Learned advocate Mr. Anurag R. Rathor has also placed reliance on the decision of this Court in the case of **Akhtarbhai Noorbhai Shaikh v. State of Gujarat**,

decided on 01.02.2019 in Criminal Miscellaneous Application No.7933 of 2018 referring the facts of the case stating that about 4 antecedents criminal in nature of respondent No.5 and 3 and of respondent No.4 and 2 and 6 cases of respondent No.3 were not mentioned by the accused persons in the bail application rather stated that there were no criminal antecedents of any nature. It is further submitted that the application for cancellation of bail was declined observing that the incident was about 10 months old, the injured have been discharged from the hospital long time back. It is also a contention of learned advocate Mr. Rathor that the case against the respondent is not of any physical injury to any person while the case against the respondent is of Section 420 of IPC and the like sections.

6. The case which was earlier registered and which has been referred by learned advocate for the petitioner are three in number are referred herein under :-

a) FIR No.251 of 2016 registered with Shivajinagar Police Station, Mumbai dated 04.07.2016 under Section 420 of

the IPC;

b) FIR No.344 of 2015 registered with Pydhuni Police Station, Mumbai dated 02.09.2015 under Sections 420, 465, 467, 468, 471, 34, 411 and 216 of 2016 and under Sections 66(c) and 66(d) of the I.T. Act and;

(c) FIR of 2016 registered with Nayanagar Police Station, Mumbai dated 12.06.2016 under Section 420 of IPC

7. It is also the argument of learned advocate Mr. Rathor for the respondent No.1 that the Investigating Officer has also not referred to the earlier cases against the accused which according to learned advocate Mr. Rathor would not have been even the matter for the Investigating Officer to make a reference in the affidavit.

8. Learned Additional Public Prosecutor Mr. Hardik Mehta for the respondent-State submitted that the affidavit of the Investigating Officer would generally cover information from the Website : egujcop and since the earlier cases of the respondent accused had been filed in the State of Maharashtra, then it would be the bounded duty of the

accused to disclose the details of his earlier antecedents, which were not even made aware to the Investigating Officer.

9. Having heard learned advocates for the parties, this Court earlier has considered the difference between the rejection of bail in a non-bailable case at the initial stage and cancellation of bail. Some cogent and overwhelming circumstances are necessary for an order directing cancellation of bail order already granted. General speaking, the ground for cancellation of bail would be broadly, a ground to interfere or an attempt to interfere with the due course of administration of justice or even an attempt to evade or disturb the due course of justice or abuse of the concession granted to the accused in any manner.

10. Here the bail was granted on the facts of the matter. Although, it was necessary for the respondent accused to have disclosed the earlier antecedents and was required to file the details of the criminal antecedents against him,

however considering the decision which has been relied upon by learned advocate Mr. Pranav Thakkar, i.e. **Zeba Khan** (supra) where the Apex Court had given a frame work in an illustrative form with a caveat, that it is purely recommendatory in nature, keeping it open to the concerned Court to adapt or refine the same in accordance with the procedural work and exigencies of individual cases. The judgment of the Apex Court is dated 11.02.2026.

11. The Circular on which reliance has been placed by learned advocate for the respondent accused Mr. Anurag Thakor is dated 01.08.2025 which is on the basis of the judgment dated 18.07.2025 in the case of **Kaushal Singh v. The State of Rajasthan** in Criminal Appeal No.3053 of 2025 and on the basis of the judgment, the following observations have been made in the Circular :-

> *"In every application for bail presented to the High Court, the petitioner shall state whether similar application has or has not been made to the High Court and the Hon'ble Supreme Court, and if made shall state the result thereof. The petitioner/applicant shall also mention whether he/she is/was involved in any other criminal case or not. If yes, particulars and decisions thereof."*

12. Having considered the judgment in the case of **Zeba Khan** (supra) dated 11.02.2026 and the Circular dated 01.08.2025, the format of bail application had not laid down earlier to include the column for disclosure of the criminal antecedents. The necessity of disclosing the criminal cases and the particulars about the criminal cases were by way of Circular No.RJ/21/2025 dated 01.08.2025 informed by the Registry, which now was required to consider and adhere to verify from the accused about the criminal antecedents pending against him. Since there was no such mandate against the accused to disclose the criminal cases against him, this Court would not be in a position to consider it as non-disclosure of criminal antecedents or as breach of any condition of bail. Liberty once granted by way of bail cannot be cancelled unless some supervening circumstances are brought to the notice of the Court.

13. In the case of **Kadarsha Latifsha Saiyed** (supra), this Court had referred to following cases, whose reference would be necessary to justify the decision :-

> *"14. Thus in the case of **Dolat Ram v. State of Haryana** reported in **(1995) 1 SCC 349**, it has been held that bail once granted should not be cancelled in a mechanical manner without considering whether any supervening circumstances have rendered it no longer conducive to a fair trial to allow the accused to retain his freedom by enjoying the concession of bail during the trial. In the case of **X Vs. State of Telangana**, reported in **2018 (16) SCC 511**, the Apex Court has held that bail once granted should not be cancelled unless a cogent case based on a supervening event has been made out. It has been observed that second FIR is not a supervening circumstance of such a nature, as would warrant the cancellation of bail, which was granted by the High Court. In the present case, the applicant was even permitted to attend 'Haj' for the period between 06.06.2024 to 20.07.2024 and such permission was granted by suspending the conditions taking into consideration all the facts that the applicant would attend the trial in connection with the subject First Information Report.*

14. In the decision of this Court dated 21.08.2024 in Criminal Revision Application No.1277 of 2024 **(Chauhan Mahendrasinh Udesinh v. State of Gujarat)**, this Court had noted the judgment :-

> *"10. The Hon'ble Apex Court in case of **Gurcharan Singh & Ors. Vs. State (Delhi Administration), reported in (1978) 1 SCC 118**, held two paramount considerations, while considering petition for grant of bail in a non-bailable offence, apart from the seriousness of the offence, there is likelihood of the accused fleeing from justice and his tampering with prosecution witnesses. Both of them relate to ensure a fair trial of the case. Therefore, to ensure a fair trial, all considerations are explored while granting bail. Thus, when the question is raised on the power to cancel bail, the same has to be exercised with great care and circumspection. Cogent and overwhelming circumstances are necessary for an order seeking cancellation of bail.*

12. This Court would like to refer to the decision in the case of ***Merubhai Ramabhai Khodiyatar (Hun) Rabari v. State of Gujarat*** *reported in* ***2021 (2) G.L.R. 1175****. In Paragraph 16.1, it was held as under :-*

> *"The grounds for cancellation of bail and grounds of rejection of bail are two different circumstances and hence the consideration of the court on the issue also becomes different, while hearing the application for cancellation of bail, the court has to be more rigid, as it has to examine not only the possibility of violation, but also the possible consequences. The power of cancellation of bail must be exercised with care and circumspection keeping in mind the urgent and overwhelming circumstances. The bail already granted should not be cancelled on a routine manner, as it jeopardizes the personal liberty of the person. In the present case, the respondent - State has not been able to show any supervening circumstances, which would reflect that the liberty, granted to the accused, was misused, and no longer conducive to a fair trial."*

15. Here, it is stated that the trial against the accused is at the stage for recording of the testimony of the complainant. No adverse remarks against the accused had been brought to the notice of this Court after the granting of bail. Now, that the trial is already in progress and when there is no adverse act of the accused, nor misuse of the liberty has been brought to the notice of the Court, hence, this Court does not find any reason to entertain the present petition thus the same is rejected.

Sd/-

(GITA GOPI, J)

CAROLINE / DB # 44

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: CAROLINE ANTHONISWAMY(HC00212), Principal pvt Secretary, at High Court of Gujarat on 27/02/2026 17:39:22