



**IN THE COURT OF 5TH ADDITIONAL SESSIONS JUDGE,
SURAT**

CRIMINAL MISC. APPLICATION - NO. 6156 of 2023

Applicant/s :-

VISHAL PARBATBHAI GAL

Age: 27, Occ.: Service,

Res.: Moddar, Tal. Kutiyana,

Dis. Porbandar.

:: V E R S U S ::

Opponent :

The State of Gujarat

to be served through

Learned District Government Prosecutor

at District & Sessions Court, Surat.

Appearance :-

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Learned Advocate **MR. B.L. Kulkarni** for the Applicant.

Learned A.G.P. **MS. V.C. Panchal** for the opponent State.

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:: J U D G M E N T ::

1. The applicant has preferred the present application seeking Anticipatory bail u/s 438 of the Code of Criminal Procedure, in connection with the FIR bearing No. I.-Cr.No. 11210015230082/2023, lodged with D.C.B. Police Station, Surat, for the offense punishable u/s 418,419,420,120B,34 of the Indian Penal Code as well as Section 66, 66(D) of The I.T. Act.

2. Ld. Counsel for the applicant has argued that the alleged offence has been committed at Vadodara and the Surat Court has no territorial jurisdiction to try the offence at Surat. Moreover, the applicant has been falsely implicated in the present case. The applicant himself is victim in the matter. No role has been played by him in the offence. The allegation of the prosecution is that the applicant had given money to co-accused for getting the exam cleared. The applicant had cleared the exam and is presently doing service. He is not in any way involved in the offence. Name of the applicant was not there in the original FIR but, it has come upon only in the statement of co-Accused.

It is further submitted that the applicant has family responsibility and therefore, he deserves a lenient view and has prayed for grant of anticipatory bail to the applicant.

3. On the other hand, Ld. A.G.P. has vehemently opposed the present application and has argued that as per Section-220 of the Cr.P.C., although the part of the offence has been committed at Vadodara but, the other part has been committed at Surat as examination center was also at Surat and the cheating took place also at Surat. The other candidates were present at Surat, who are involved in the case. The applicant is a beneficiary of the offence and had paid money for that, hence, he cannot say that he is not in any way involved in the present case. His custodial interrogation is also required as his statement is to be taken and further recovery has to be made and several facts have to be ascertained, therefore, she has prayed for dismissal of the present application.
4. I have heard Ld. Counsel for the applicant/accused and Ld. A.P.P. and perused the record.

5. From the record, it is clear that the co-accused has named the present applicant in his statement that it was the present applicant who has paid money to him for getting passed in the exam by using unlawful means. The applicant is still working and has not resigned after the scam came into the lime light. It is an offence which has several repercussions in the society. The eligible persons who are trying hard and deserve Government Service, are deprived of the same and those who are not entitled to the service have been selected because of unlawful means being used for getting the marks. There is large scale of unemployment in our country and the eligible candidates are not being selected due to the kind of persons who are using unlawful means. It is a serious matter and the applicant cannot escape his responsibility in the same. Moreover, it is Anticipatory Bail for which the applicant has applied and not the Regular Bail. It is settled law that the considerations in both are different.
6. Hence, in view of the aforesaid facts and circumstances, I pass the following order : -

-:: O R D E R ::-

1. The present Bail Application stands '**DISMISSED**'.
2. I.O. of the case is at liberty to arrest the accused but, after strict compliance of provisions of Cr.P.C. and the directions issued by the Hon'ble Supreme Court.
3. Yadi be sent to the concerned Police Station.

Pronounced in the open Court today on this 7th day of August, 2023.

(ASHISH J.S. MALHOTRA)
5th Additional Sessions Judge,
District & Sessions Court, Surat.
(Unique ID Code No.GJ01504)