

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD****R/CRIMINAL MISC.APPLICATION (FOR REGULAR BAIL - AFTER CHARGESHEET) NO. 4351 of 2024**

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RAHUL @ BEDIYA @ BHIDIYA SUNIL MAHAJAN  
Versus  
STATE OF GUJARAT

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**Appearance:**

MR. RAJENDRA D JADHAV(10026) for the Applicant(s) No. 1  
MR. HARDIK SONI, LD.ADDL. PUBLIC PROSECUTOR for the  
Respondent(s) No. 1

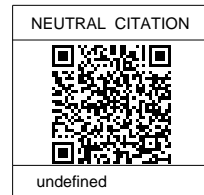
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**CORAM:HONOURABLE MR. JUSTICE DIVYESH A. JOSHI**

**Date : 08/05/2024**

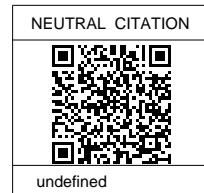
**ORAL ORDER**

1. Rule returnable forthwith. Learned APP waives service of notice of rule for and on behalf of the respondent-State.
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.Part-A-11210056213829 of 2021 registered with the Dindoli Police Station, Surat City of the offence punishable under Sections 386, 504, 506(2), 143, 144, 146, 148, 149 and 120 of the IPC and Sections 3(1)(i), 3(1)(2), 3(2) and 3(4) of the GUJCTOC Act.
3. Learned advocate appearing for the applicant has submitted that the applicant-accused was arrested on 18.01.2022 and since then he is in jail. Learned advocate for the applicant has also submitted that the investigation has already been completed and charge-sheet has also been filed. Learned advocate for the applicant has submitted that the first



information report came to be lodged against total seven persons wherein the applicant-accused has been shown as accused No.3. Learned advocate for the applicant has also submitted that no specific overt act on the part of the applicant-accused is found out from the entire police papers. It is further submitted that at the time of invoking the provisions of GUJCTOC Act against the applicant-accused, the prosecuting agency has put reliance upon once offence registered against the applicant-accused in the year 2018 and thereafter the present one, and as per Section 2(c) of the Act, more than one charge-sheets are required to be registered before a competent court within the preceding period of ten years, which is cognizable offence punishable with imprisonment a term of three years or more, committed either singly or jointly as a member of an organized crime syndicate or on behalf of such syndicate and that court has taken cognizance of such offence and, therefore, considering the fact that only one offence is registered against the applicant-accused after promulgation of the GUJCTOC Act, the provisions of the GUJCTOC Act would not be attracted in the present case. Learned advocate for the applicant has further submitted that the applicant-accused is in jail since 18.01.2022, i.e, for more than two years. It is also submitted that the other co-accused persons having graver role than that of the applicant-accused, have already been released on bail either by this very Court or by the trial court. Under the circumstances, learned advocate for the applicant prays that the applicant may be enlarged on bail on any suitable terms and conditions.

4. The learned APP appearing on behalf of the respondent-



State has opposed grant of regular bail looking to the nature and gravity of the offence. Learned APP has submitted that considering the role attributed to the applicant-accused, this is a fit case wherein discretionary power of this Court is not required to be exercised in favour of the applicant-accused.

5. The 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. This Court has also considered the following aspects;

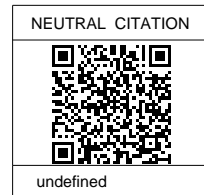
a) That the investigation has already been completed and charge-sheet has also been filed;

b) That the other co-accused persons having graver role than that of the applicant-accused, have already been released on bail either by this Court or by the trial court;

c) That the applicant-accused is in jail since 18.01.2022, i.e., for more than two years and, therefore, considering the period of incarceration already undergone by the applicant-accused, the present application deserves consideration;

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.

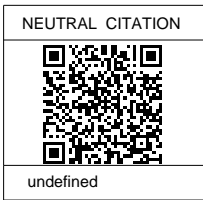
8. In the facts and circumstances of the case and



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 and the applicant is ordered to be released on regular bail in connection with the FIR being C.R. No. Part-A-11210056213829 of 2021 registered with the Dindoli Police Station, Surat City, 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 lower court within a week;
- [d] not leave the State of Gujarat without prior permission of the Sessions Judge concerned;
- [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] not to enter into the revenue limits of Surat City for a period of 12 months, except marking presence at the concerned police station and attending the court proceedings;

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 Judge concerned will be free to issue warrant or 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 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. Rule is made absolute to the aforesaid extent.

Direct service is permitted.

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

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