



**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/CRIMINAL MISC.APPLICATION (FOR REGULAR BAIL -
AFTER CHARGESHEET) NO. 9067 of 2024**

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SALMAN @ LINDI MUKHTARBHAI BLOACH (MAKRANI)

Versus
STATE OF GUJARAT

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Appearance:

MR. MAULIK M SONI(7249) for the Applicant(s) No. 1
MR DHAWAN M JAYSWAL, APP for the Respondent(s) No. 1

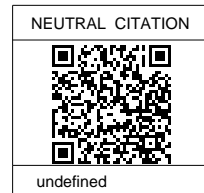
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CORAM:**HONOURABLE MR. JUSTICE DIVYESH A. JOSHI**

Date : 09/05/2024

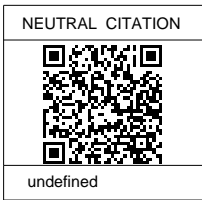
ORAL ORDER

1. Rule. Learned APP waives service of notice of Rule for and on behalf of 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.11186008230216 of 2023 registered with the Una Police Station, District Gir-Somnath** for the offence punishable under Sections 392, 394, 397 and 34 of the Indian Penal Code, under Section 135 of the Gujarat Police Act and under Sections 3(1)(2), 3(2) and 3(4) of the GUJCTOC Act.
3. Learned advocate appearing on behalf of the applicant submits that considering the nature of the offence, the applicant may be enlarged on regular bail by imposing suitable conditions. Learned advocate for the applicant submits that the so-called incident has taken place on 23.02.2023, for which, the FIR has been lodged on the very same day i.e. on 23.02.2023 and the applicant has been arrested in connection with the same on



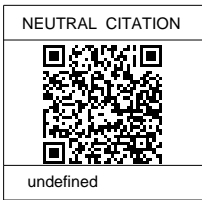
30.05.2023 and since then, he is in judicial custody. Learned advocate further submits that name of the applicant has come on surface on the basis of the statement made by the co-accused. There is no recovery and discovery at the instance of the applicant. Learned advocate submits that at the time of submission of the charge-sheet, provisions of GUJCTOC Act were added and ultimately charge-sheet was submitted against total 14 accused persons. Learned advocate further submits that now the investigation is completed and after submission of the charge-sheet, present application is preferred. Learned advocate further submits that at the time of submission of charge-sheet, the prosecuting agency has put reliance upon six offences registered against the applicant and out of these six offences, two offences were registered after the enactment of the GUJCTOC Act and four offence were registered before the enactment of the GUJCTOC Act. If this Hon'ble Court would make a glance upon the chart prepared by the investigating officer, which is part of the charge-sheet papers, in that event, it would be found out that out of two offences registered against the applicant accused after the enactment of the GUJCTOC Act, one offence pertains to Gambling Act and another offence is private in nature. Learned advocate further submits that identically situated persons have already been considered by this Court. Thus, considering the above stated factual aspects and the period of incarceration spent by the applicant, he may be enlarged on bail.

4. Learned APP appearing on behalf of the respondent-

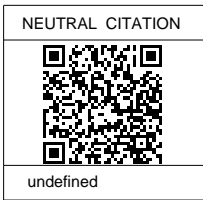


State has objected present bail application with vehemence and submitted that during the tenure of last 10 years six offences have been registered against the applicant accused. The applicant is an active member of the organized crime syndicate and more than 39 offences have been registered against the members of the syndicate. Thus, considering the modus and active role of the applicant as a member of syndicate, he may not be enlarged on bail.

5. 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. It is found out from the record that the present application is preferred after submission of the charge-sheet and now the investigation is completed and the applicant is in jail since 30.05.2023. I have considered the offences, which have been considered by the prosecuting agency at the time of filing of the charge-sheet and found that out of total six offences registered against him, four offences are registered before promulgation of the GUJCTOC Act and two offences are registered after the promulgation of the GUJCTOC Act. The co-accused, who is having identical role, has been considered by this Court. Therefore considering the above stated factual aspects and on the ground of parity, the present application deserves to be allowed.



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 as well as in case of **Satender Kumar Antil v. Central Bureau of Investigation & Anr.** reported in **(2022)10 SCC 51**.
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 **C.R. No.11186008230216 of 2023 registered with the Una Police Station, District Gir-Somnath**, 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 enter into Gir-Somnath District till the conclusion of trial, except for marking presence 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. 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 present application stands allowed accordingly. Rule is made absolute. Direct service is permitted.

LAVKUMAR J JANI

(DIVYESH A. JOSHI,J)