

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/CRIMINAL MISC.APPLICATION (FOR REGULAR BAIL -
AFTER CHARGESHEET) NO. 9072 of 2024

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IMRAN SHAUKAT RASULBHAI @ MASALIYA @ UMRAN DORVA
Versus
STATE OF GUJARAT
=====

Appearance:

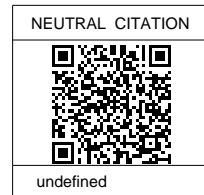
MR SATYAM CHHAYA FOR MR BILAL M
RADHANPURWALA(10978) for the Applicant(s) No. 1
MR.WASIM M PATHAN(6802) for the Applicant(s) No. 1
MR L B DABHI, APP for the Respondent(s) No. 1
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CORAM:HONOURABLE MR. JUSTICE DIVYESH A. JOSHI

Date : 09/05/2024

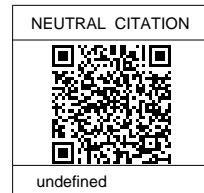
ORAL ORDER

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 **C.R.No.11207002210450 of 2021 registered with Godhra 'B' Division Police Station, District Panchmahal**, for the offence punishable under Sections 143, 147, 148, 149, 307, 326, 337, 506(2) and 323 of the Indian Penal Code and Section 135 of the Gujarat Police Act.
3. Learned advocate Mr. Satyam Chhaya 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

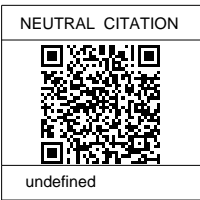


advocate further submits that applicant has been arrested on 29.12.2023 and since then he is in judicial custody. Learned advocate submits that investigation is already concluded and present application is filed after submission of charge-sheet. Learned advocate further submits that applicant was already enlarged on bail in connection with the FIR in question. However, thereafter, the State has preferred an application for cancellation of bail which was eventually considered by the learned Sessions Court on the ground of breach of condition. Being aggrieved by and dissatisfied with the said order, the applicant approached before this Court by preferring an application, which was ultimately withdrawn by the applicant as this Court was not inclined to consider that application. However, the present application is filed on the ground of change of circumstances. Learned advocate further submits that identically situated person has approached before this Court challenging the order of cancellation of bail passed by the learned Sessions Court which was not considered by this Court and said litigation reached up to the Hon'ble Apex Court wherein the Hon'ble Apex Court has already granted bail to the co-accused. Hence, bail application of the applicant may be entertained and he may be enlarged on bail.

4. Learned advocate Mr. A. A. Ansari submits that he has received instructions to appear on behalf of the original complainant. He is permitted to file his Vakalatnama in the Registry. Learned advocate Mr. Ansari has objected present application with vehemence and submitted that during the pendency of the present proceedings, another



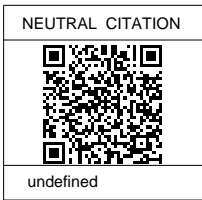
- offence came to be registered against the applicant accused and therefore he may not be enlarged on bail.
5. Learned APP appearing on behalf of the respondent-State has adopted the arguments canvassed by learned advocate Mr. Ansari for the original complainant and submitted that looking to the above stated factual aspects, applicant may not be enlarged on bail.
 6. Learned advocates appearing on behalf of the respective parties do not press for further reasoned order.
 7. 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 applicant is in jail since 29.12.2023. The investigation is already concluded and charge-sheet is filed. It is also found out from the record that applicant has already been enlarged on bail, however, on the ground of breach of condition, his bail has been cancelled by the learned Sessions Court. The Hon'ble Apex Court has granted bail to the co-accused whose case is identical to that of the present applicant accused. Thus, considering the aforesaid factual aspects, I am inclined to consider this application.
 8. 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**.
 9. 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.

10. Hence, the present application is allowed and the applicant is ordered to be released on regular bail in connection with **C.R.No.11207002210450 of 2021 registered with Godhra 'B' Division Police Station, District Panchmahal**, 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 he 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 Panchmahal District till the



conclusion of trial, except for marking his presence and attending the Court proceedings.

11. 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.
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.
13. The present application stands allowed accordingly. Rule is made absolute. Direct service is permitted.

LAVKUMAR J JANI

(DIVYESH A. JOSHI,J)