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**IN THE COURT OF 2nd ADDITIONAL DISTRICT &
SESSIONS JUDGE, SURAT AT SURAT.**

Criminal Misc. Application No. 1671/2026

Exh. __

Applicant:

NEMIKHAN YUSUF MOHAMAD KHAN

Aged- 54 years, Occupation: Business

Address : D/40, Ground First Floor, D Block,
Vishwakarma, Colony Bridge, Pehelad, South Delhi.

Permanent Resident of 77, Street No.3. Karula Muradabad.
(Uttar Pradesh)

At Present Central Jail, Lajpor, Surat.

VERSUS

Opponent:

The State of Gujarat.

Appearance:

Ld. Advocate Shri. D. R. Patel for the Applicant.

Ld. D.G.P. Shri. N. L. Sukhadwala for the State.

AN APPLICATION UNDER SECTION 483 OF THE BNSS

: JUDGMENT :

- 1) Present application is filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred to as “BNSS”), wherein the applicant seeks a Regular bail in connection with FIR No. C-11210012231426/2023, registered at Surat Chowkbazar Police Station, Surat, for the offences punishable under Sections 420,465,467,468,471,120B,34, of the Indian Penal Code.
- 2) On being served with the process, the Ld. Public Prosecutor appeared for the opponent - State. The Investigating Officer has submitted his affidavit vide Exh. 7. The de-facto complainant has submitted his affidavit vide Exh.9.
- 3) The Ld. advocate for the applicant/accused has submitted that the accused was arrested on 02/03/2026 at 15:00 hours and produced before the trial court on 03/03/2026. Following remand proceedings, he was sent to judicial custody, where he has remained until now. This is the first regular bail application filed by the accused. It is further submitted that the alleged transaction took place on 27/10/2022, but FIR was registered only on 31/10/2023, after a delay of 369 days,

for which no explanation is provided. Prima facie, the accused has not forged documents, obtained any ONGC contract dishonestly, or shown criminal intent. Essential elements of the alleged IPC Sections are not satisfied. It is further submitted that the FIR appears to be civil-commercial in nature, primarily concerning recovery of money. It is also submitted that co-accused have been released on bail vide Order passed in Cr.M.A. No. 228/2024, Cr.M.A. No.346/2024, Cr.M.A. No.727/2024 and Cr.M.A. No. 1002/2024 and therefore, the present applicant may be released on bail on the ground of parity. It is further submitted that the accused is 54 years old, has three minor children, is a permanent resident, and owns movable and immovable property. He is not likely to abscond. The case is judicial in nature, trial is expected to be lengthy, and charge sheet has already been filed. The applicant undertakes to abide by any conditions that may be imposed by the Court and submits that there is no possibility of absconding or misusing liberty if released on bail. Considering the above facts, the learned counsel prayed that the applicant be granted regular bail.

4) On the other hand, the Learned Public Prosecutor (Ld. DGP), appearing on behalf of the respondent-State, opposed the present bail application, arguing that the accused is directly involved, along with co-accused Tushar Chaudhary and absconding accused Riyaz Ahmed Rob Ali Khan Naos, directors of Jaimini Tie-up Pvt. Ltd. and Jaimini Aviation Pvt. Ltd. It is further submitted that on 27/10/2022, Rs. 3,00,00,000/- was transferred via RTGS to these companies in the presence of the accused and co-accused. The accused allegedly transferred Rs. 56,16,600/- to his personal account within a month and submitted KYC documents while opening company bank accounts. If the applicant is released on bail, there is a possibility that he may threaten or pressurize the complainant or witnesses. It is submitted that if bail is granted, the applicant may again indulge in similar offences. By making aforesaid submissions he has prayed for dismissing the present Bail Application.

5) The granting or rejecting the bail application is a discretionary relief. The Court is duty-bound to exercise its discretion judiciously, with due caution, and in strict adherence to the fundamental principles laid down by the

Hon'ble Supreme Court and Hon'ble High Court in numerous decisions regarding the grant of bail. It is well established that several key factors must be considered while deciding a bail application, including, (i) the nature and seriousness of the accusation; (ii) the applicant's criminal history, if any, particularly past convictions involving cognizable offences; (iii) the likelihood of the applicant fleeing from justice; and (iv) whether the accusation appears to have been made with the intent to harass, injure, or humiliate the applicant through arrest. Also, at the bail stage, a detailed analysis of the evidence or findings that may prejudice the accused should be avoided.

6) Having heard both sides upon reviewing the investigation and Police papers, it appears that the allegations against the applicant are serious in nature. The record prima facie indicates that there is no pending recovery or discovery against the applicant-accused. Also the case is documentary and prima facie commercial in nature. It is also noted that other co-accused have been released on bail vide Order passed in Cr.M.A. No. 228/2024, Cr.M.A. No.346/2024,

Cr.M.A. No.727/2024 and Cr.M.A. No. 1002/2024,
supporting the parity principle.

7) Under such circumstances and aforesaid reasons, the discretionary power under Section-483 of BNSS, 2023 may be exercised in favour of the accused. In view of the aforesaid discussion, this court is inclined to grant this application for bail on imposing conditions to secure his presence at the time of trial, so I hereby pass following order in the interest of justice.

ORDER

- The application for bail filed by the present applicant-accused is hereby **ALLOWED**.
- The applicant-accused is hereby ordered to be released on bail on execution of personal bond of Rs. 25,000/- (Rupees Twenty Five Thousand Only) and one surety of like amount and subject to following conditions;
 1. The applicants/accused Shall not influence the prosecution witnesses;
 2. The applicants/accused shall submit an Affidavit regarding their present and permanent residential address along with running mobile number within 7 days from being released from jail before Ld. Trial Court.
 3. The applicants/accused shall surrender their passport into the Court, if they possess and if, they do not possess passport, then they shall submit an

affidavit regarding same before Ld. Trial Court.

4. They shall not leave the territory of India without prior permission of the court.
 5. The applicants/accused shall appear before the court without fail and trial court should alter, delete or modified of above conditions.
 6. The applicants/accused shall not tamper with evidence;
- Yadi of this order be sent to all the concerned for knowledge, information, and compliance.

Signed and Pronounced in the open Court today i.e. on 13th March, 2026.

Date:13-03-2026
Surat.

(Rakesh Rajnikant Bhatt)
2nd Additional Sessions Judge,
Surat
(Unique ID Code: **GJ00608**)

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