

**IN THE COURT OF 2nd ADDITIONAL SESSIONS
JUDGE, AT : SURAT**

CRIMINAL MISC. APPLICATION NO. 1736 of 2026

Exh. ___

APPLICANT/ACCUSED:

Ashishkumar Navalkumar Sureka,
Aged : 44 years, Occupation: business,
Residing at : C 403 Rajhans View, Behind Rajhans
Cinema, Near Sanjeevkumar Auditorium,
Adajan, Surat.
(At present : Central Jail, Lajpore, Surat)

Vs.

OPPONENT:

THE STATE OF GUJARAT.

APPEARANCE:

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Mr.V.S. Chaliawala, Ld. advocate for the applicant,
Mr.N.L. Sukhadwala, Ld P.P. for the Opponent - State.
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1. The present application is filed by the applicant Invoking jurisdiction of this court under Section 483 of the BNNS to enlarge him on bail in connection with offence registered before DCB Police Station vide FIR Part-A

No.112010015240049/2024 for offences punishable U/s.409, 120B of IPC.

Earlier, the applicant had preferred bail application being Criminal Misc. Application No. 6808/2024 which was rejected by this Court.

Being aggrieved with the said order, the applicant had preferred bail application before the Hon'ble High Court of Gujarat vide R/Criminal Misc. Application (For Regular Bail-After chargesheet) No.21383 of 2024, which was allowed.

2. The notice was issued to the respondent State of Gujarat. The Ld. P.P has appeared before the court. The investigating officer has submitted his affidavit against the present bail application vide Exh. 4.
3. Ld. Advocate for the applicant has submitted that it is alleged to have been received the goods, however the payment was not made. Other accused was released on bail. It is submitted that after rejection of bail by the Hon'ble Supreme Court, the applicant is in judicial custody. The chargesheet has been filed and the charge has also framed by the Court. There is no recovery or discovery from the applicant. There is business transaction amongst the parties. It is submitted that the applicant is

permanent resident of Surat and has deep root in the society. The accused has family and their responsibilities lie upon his shoulder. It is submitted that other accused were released on bail by the Hon'ble High Court of Gujarat, therefore on the ground of parity, he needs to be enlarged on bail. Under the circumstances, he has requested to allow this application and enlarge him on bail.

4. *Per contra*, Ld.P.P for the State has opposed the grant of bail to the present applicant and has submitted that there is *prima-facie* case against the applicant. It is further submitted that the applicant has not fulfilled the conditions of the Hon'ble High Court of Gujarat and the Hon'ble Apex Court. Moreover the contempt petitioner is pending before the Hon'ble Supreme Court, and therefore the said application deserves to be dismissed.
5. Looking to the papers, it appears that the applicant had earlier preferred bail application being Criminal Misc. Application No. 6808/2024 which was rejected by this Court. Being aggrieved with the said order, the applicant had preferred bail application before the Hon'ble High Court of Gujarat vide R/Criminal Misc. Application (For Regular Bail-After chargesheet) No.21383 of 2024, which was allowed with conditions, in which the condition No. (g) is that '*he shall file an undertaking at the time of his*

release to the effect that he shall deposit the amount of Rs.50 lac within a period of six months from the date of release.’ However, he has not paid the said amount and fled away and later, the police arrested him. It further reveals from the record, the complainant has filed Contempt Petition No. 25/2026 in CrI. A. No. 3123/2025, which is pending before the Hon’ble Apex Court. It further reveals that in Special Leave Petition (Criminal) Diary No. 22961/2025, Hon’ble Apex Court has stated that *As the appellant has admittedly not deposited any money in terms of his undertakings and assails the condition imposed at his own instance, we are constrained to set aside the orders passed by the High Court and restore the bail applications, viz., R/Criminal Misc. Application (For Regular Bail – After Chargesheet) Nos.21383/2024 and 21380/2024, on the file of the High Court for consideration afresh on their own merits and in accordance with law. The High Court shall consider and dispose of the bail applications as expeditiously as possible. The High Court shall consider and dispose of the bail applications as expeditiously as possible. It would also be open to the appellant to file applications for early disposal thereof. The appellant, is out on bail pursuant to the impugned orders, shall surrender within a period of ten days from today.”* It also appears that the accused had in

knowledge that the orders of the Hon'ble High Court in R/Criminal Misc. Application No. (For Regular bail – After filing chargesheet) No. 21380/2024 and 21383/2024 became set aside, even he was not surrendered before the Authority.

6. It further appears from the record that the accused was arrested on 9.2.2025 in view of the issuance of the NBW U/s.70 of CrPC. It further reveals from the application that offences were registered before the Sachin GIDC Police Station as well as the complaint Under N.I. Act. It also transpires that it is alleged that the accused had in collusion with each other conspired with each other and received the goods to the tune of Rs.2,04,36,817 during July 2023 to 15.03.2024 on different occasion from the complainant and sold it also and not made the payment for the same. The chargesheet has been filed being Criminal Case No.124454/2024.
7. I have gone through the affidavit of the IO, it appears that the applicant has clearly violated the order of the Hon'ble High Court of Gujarat as well as the Hon'ble Apex Court. Hence, considering the seriousness and gravity of offence, nature of offence, considering the role attributed to present applicant in the alleged offence and taking all these facts into consideration, the concession granted the present

applicant-accused while enlarging him on bail by the Hon'ble High Court of Gujarat has been misused and the conduct and nature of violations on the part of present applicant/accused, it is not a fit case to exercise discretion to enlarge the applicant on bail. Hence, I pass following order in the interest of justice.

ORDER

The present bail application stands dismissed.

Order pronounced and signed in open court today i.e. on 25th day of March, 2026.

Date : 25/03/2025
Place: Surat.

//rsp//

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