

Reserved On : 26/02/2026
Pronounced On : 05/03/2026

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

**R/CRIMINAL MISC.APPLICATION (FOR SUCCESSIVE REGULAR BAIL -
 AFTER CHARGESHEET) NO. 2289 of 2026**

FOR APPROVAL AND SIGNATURE:

HONOURABLE MR. JUSTICE DIVYESH A. JOSHI

Sd/-

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Approved for Reporting	Yes	No
		✓
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SHAHROUKH @RAJA AALLARAKHABHAI JUNEJA
 Versus
 STATE OF GUJARAT

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Appearance:

DHRUV TOLIYA(9249) for the Applicant(s) No. 1
 MR. NIRAJ SHARMA, LD. ADDL. PUBLIC PROSECUTOR for the
 Respondent(s) No. 1

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CORAM: HONOURABLE MR. JUSTICE DIVYESH A. JOSHI

CAV JUDGMENT

1. Rule returnable forthwith. Learned APP waives service of notice of rule for and on behalf of the respondent-State.
2. The present successive application is filed under Section 483 of the Bhartiya Nagrik Suraksha Sanhita, 2023, for regular bail in connection with the FIR being C.R. No.11208044202185 of 2020 registered with the Pradyuman Nagar Police Station, Rajkot City for the alleged offences as mentioned in the FIR.
3. Learned advocate Mr. Dhruv Toliya appearing for the applicant has submitted that the applicant-accused was arrested on 26.12.2020 and since then he is in jail. Learned

advocate Mr. Toliya has also submitted that the investigation has already been completed and charge-sheet has also been filed. He has also submitted that the present applicant has been falsely implicated in the present offence by wrongly invoking the provisions of the GUJCTOC Act as the applicant has neither formed any organized crime syndicate nor is the member of any such syndicate. Learned advocate Mr. Toliya has further submitted that the applicant is in judicial custody since more than five years, and looking to the status of trial, out of 108 witnesses cited by the investigating agency to be examined, only one witness has been examined so far, and as such, it appears that the trial is likely to take considerable long period of time to conclude, and as such, putting the applicant-accused behind the bar for such an indefinite period, would be nothing but a pre-trial conviction. Learned advocate Mr. Toliya has also submitted that the total 11 persons have been shown as the accused in the charge-sheet, and except the present applicant and one another accused, rest of the accused persons have already been enlarged on bail. He has further submitted that at the time of invoking the provisions of the GUJCTOC Act against the applicant, the investigating officer has taken into consideration total four past offences against the applicant, however, out of those four offences relied upon by the investigating officer, the applicant has already been acquitted in three offences and one FIR has been quashed by this Court. He also submits that due to non-availability of the other accused persons, the trial is getting delayed for no fault on the part of the present applicant, and the same can be verified from the report of the concerned presiding officer

called for by this Court. Moreover, the main accused, who has been shown as the leader of the gang, has already been enlarged on bail. Learned advocate Mr. Toliya has further submitted that the earlier bail application preferred by the applicant was not entertained on the ground that the present applicant remained absconded for 218 days while on temporary bail in an offence under Section 302 of the IPC registered in the year 2020. However, it is pertinent to note that the applicant has already been acquitted in the said offence, and therefore, the applicant is required to be enlarged on regular bail. Moreover, the other co-accused who had also jumped the temporary bail for more or less the similar period of time as that of the present applicant, and that too in GUJCTOC offence, has also been enlarged on bail. Under the circumstances, learned advocate Mr. Toliya prays that the applicant may be enlarged on bail on any suitable terms and conditions.

4. The learned APP Mr. Niraj Sharma appearing on behalf of the respondent-State has opposed grant of regular bail looking to the nature and gravity of the offence. He has submitted that the present application is a successive bail application, and the earlier application filed by the applicant was rejected by this Court by a detailed reasons, which has not been challenged by the accused any further and thus has attained finality. He has further submitted that while rejecting the earlier application, the past conduct of the applicant was taken into consideration, which shows that the present applicant is a hardcore criminal. He has also submitted that number of offences have been registered against the applicant, wherein two offences were

registered while he was on temporary bail. Learned APP has submitted that considering the role attributed to the applicant-accused as also the past history of the applicant, 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 out of four offences relied upon by the investigating officer while invoking the provisions of the GUJCTOC Act against the applicant, in three offences he has already been acquitted, and one FIR has been quashed;

c) That the applicant-accused is in jail since 26.12.2020, i.e., for more than five years, and still one witness has been examined out of total 108 witnesses cited in the charge-sheet, and as such, looking to the period of incarceration already undergone by the applicant coupled with the fact that the trial is likely to take considerable long period of time to conclude, the present application deserves consideration;

d) That, except the applicant and one another accused, all the other co-accused persons, including the the accused who is shown to be the gang leader, have already been enlarged on

bail;

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.11208044202185 of 2020 registered with the Pradyuman Nagar Police Station, Rajkot 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 injurious 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 Saurashtra as also into the revenue limits of District Ahmedabad till the conclusion of trial, 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)

VAHID

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: ABDULVAHID ABDULSATTAR SHAIKH(HC00955), PRINCIPAL PRIVATE SECRETARY, at High Court of Gujarat on 05/03/2026 15:25:22