

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CRIMINAL MISC.APPLICATION (FOR SUCCESSIVE REGULAR BAIL -
AFTER CHARGESHEET) NO. 2329 of 2026**

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MAKBOOL ABDUL RAHEMAN DOCTOR
Versus
STATE OF GUJARAT

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Appearance:

MR. RAHUL R DHOLAKIA(6765) for the Applicant(s) No. 1
MR. ZAFAR K. BELAWALA(14532) for the Applicant(s) No. 1
MS KRINA CALLA, LD.ADDL. PUBLIC PROSECUTOR for the Respondent(s)
No. 1

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CORAM:HONOURABLE MR. JUSTICE VIMAL K. VYAS**Date : 24/03/2026****ORAL ORDER**

1. The applicant has filed the present successive application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 praying to enlarge him on regular bail in connection with the FIR being C.R. No.11210005241161 of 2024 registered with the Athwalines Police Station, Surat City.

2. Heard learned advocate Mr.Rahul Dholakia appearing for the applicant and learned APP Ms.Krina Calla appearing for the respondent – State.

3. Rule. Learned APP Ms.Krina Calla waives service of notice of Rule on behalf of the respondent – State.

4. Learned advocate Mr.Rahul Dholakia appearing for the applicant has submitted that the applicant is in judicial custody since 15.10.2024. He has submitted that the

investigation is over and the charge-sheet has already been filed on 05.01.2025. He has further submitted that total 83 witnesses have been cited in the charge-sheet and the trial is warrant triable and therefore, it may take considerable time. He has further submitted that co-accused namely, Maaz Abdul Rahim Naada, has been granted regular bail by the Supreme Court vide order dated 02.12.2025 passed in Special Leave Petition (Criminal) Diary No.65186 of 2025 as well as the co-accused, namely, Kasif Maqbool Doctor, has been granted regular bail by a Co-ordinate Bench of this Court vide order dated 06.02.2026 passed in Criminal Misc. Application No.1138 of 2026. Learned advocate further submitted that the role of the present applicant is almost similar to that of those accused, who have been enlarged on regular bail. He has further submitted that the applicant is a local resident having no criminal antecedent and his presence can be secured at the time of the trial.

In view of the aforesaid, learned advocate has prayed to allow this application and enlarge the applicant on regular bail with suitable conditions.

5. Per contra, learned APP has opposed the present application for grant of regular bail contending that the role attributed to the present applicant is different from the role attributed to the other co-accused, whose application for grant of bail has been considered by the Apex Court. The total scam involves an amount of Rs.101 Crore. The applicant has actively participated in the offence in question. Learned APP has, therefore, submitted that looking to the nature of the offence, this Court may not

exercise discretion in favour of the applicant and the application may be dismissed.

6. Heard learned advocates appearing for the respective parties and perused the materials on record. The investigation is over and charge sheet has been filed. The applicant had earlier preferred Criminal Misc. Application No.21665 of 2025, which was withdrawn vide order dated 15.10.2025, reserving the liberty to the applicant to file afresh after a period of 6 months. However, after withdrawal of the earlier application filed by the applicant, the application for bail filed by the other co-accused came to be considered. The role attributed to the other co-accused and the present applicant is almost similar. Considering this aspect, the application deserves consideration. This Court has also considered the following aspects:

(a) As per catena of decisions rendered by the Supreme Court, there are mainly three factors, which are required to be considered by this Court, i.e. prima facie case, availability of the applicant-accused at the time of the trial and tampering or hampering with the witnesses by the accused.

(b) The applicant-accused is not likely to flee away. The applicant is a local resident and his presence can be secured at the time of the trial.

(c) The applicant is in the judicial custody since 15.10.2024.

(d) Investigation is over and the charge-sheet has already been filed on 05.01.2025.

(e) The case is triable by learned Magistrate, and in charge-sheet, total 83 persons have been cited as witnesses.

(f) The co-accused, namely, Maaz Abdul Rahim Naada, has been granted regular bail by the Supreme Court vide order dated 02.12.2025 passed in Special Leave Petition (Criminal) Diary No.65186 of 2025.

(g) The co-accused, namely, Kasif Maqbool Doctor, has been granted regular bail by a Co-ordinate Bench of this Court vide order dated 06.02.2026 passed in Criminal Misc. Application No.1138 of 2026.

(h) The law laid down by the Hon'ble Apex Court in the case of **Sanjay Chandra v. C.B.I.** reported in **(2012) 1 SCC 40**.

7. This Court has also gone through the FIR and the police papers along with the earlier order passed by the learned Sessions Court where the learned Sessions Judge has disallowed the bail application at the initial stage.

8. Having heard the learned advocates appearing for the respective parties and having perused the record produced in this case, as well as taking into consideration the facts of the case, the nature of the allegations, the gravity of the accusation, the availability of the applicant- accused at the time of the Trial, etc. and the role attributed to the present

applicant- accused, the present application deserves consideration and the same is hereby allowed.

9. The applicant- accused is ordered to be released on bail in connection with the FIR being C.R. No.11210005241161 of 2024 registered with the Athwalines Police Station, Surat City, on executing a personal bond of Rs.10,000/- with one surety of the like amount to the satisfaction of the trial Court, subject to the following conditions that he shall:

- (a) not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or any Police Officer or tamper with the evidence.
- (b) maintain law and order and not to indulge into any criminal activities.
- (c) furnish documentary proof of his residential address to the Investigating Officer and to the Trial Court at the time of executing the bond and shall not change the residence without the prior permission of the trial Court.
- (d) provide his contact details as well as the contact details of the sureties before the Trial Court. In case of change, the shall be informed in writing immediately to the Trial Court.

- (e) mark presence before the concerned Police Station once in a month for a period of six months between 11:00 a.m. and 2.00 pm.
- (f) file an affidavit stating his immovable properties, whether self acquired or ancestral, with description, location and present value of such properties before the Trial Court, if any.
- (g) not leave India without the prior permission of the Trial Court.
- (h) surrender passport, if any, to the Trial Court within a week. If the Applicant does not possess passport, he shall file an affidavit to that effect.

10. Bail bond to be executed before the Trial Court having jurisdiction to try the case. It would be open for the Trial Court concerned to give him time to furnish the solvency certificate, if prayed for.

11. If breach of any of the above conditions is committed, the Trial Court concerned shall be free to issue warrant or take appropriate action, according to law. The authorities shall release the applicant forthwith only if he is not required in connection with any other offence for the time being.

12. At the trial, the concerned Trial Court shall not be influenced by the prima facie observations made by this

Court in the present order.

13. Rule made absolute. Direct service permitted.

(VIMAL K. VYAS, J)

DIPTI PATEL

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: DIPTIBEN PIYUSH PATEL(HC00191), PRINCIPAL PRIVATE SECRETARY, at High Court of Gujarat on 25/03/2026 17:00:57