

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

**R/CRIMINAL MISC.APPLICATION (FOR REGULAR BAIL - BEFORE
CHARGESHEET) NO. 2839 of 2026**

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BHAVANSINH ABHESINH RATHOD & ANR.

Versus
STATE OF GUJARAT

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Appearance:

MR VISHVAJITSINH D CHAUHAN(10160) for the Applicant(s) No. 1,2
MR.KISHAN PRAJAPATI(7074) for the Applicant(s) No. 1,2
MR TRUPESH KATHERIA ADDL. PUBLIC PROSECUTOR for the
Respondent(s) No. 1

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CORAM:HONOURABLE MR. JUSTICE NIKHIL S. KARIEL

Date : 26/02/2026

ORAL ORDER

1. Heard learned advocate Mr. Zubin Bharda with learned advocate Mr. Kishan Prajapati appearing on behalf of the applicants and learned Additional Public Prosecutor Mr. Trupesh Kathiriya appearing on behalf of the respondent-State.

2. Rule. Learned APP waives service of rule on behalf of the respondent-State.

3. The applicants have filed this application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 for

enlarging the applicants on Regular Bail in connection with FIR being **C.R. No.11209041251253 of 2025 registered with Prantij Police Station, Dist. Sabarkantha**, for the offence punishable under Sections 3(1)(ii), 3(4) of the Gujarat Control of Terrorism and Organised Crime Act (GUJCTOC Act).

4. Learned advocate for the applicants would submit that considering the role attributed to the applicants, and nature of the allegation levelled, the applicants may be enlarged on regular bail. It is further contended that the applicants are ready and willing to abide by all the conditions that may be imposed by this Court if released on bail.

5. As against the same, learned Additional Public Prosecutor appearing for the respondent – State has vehemently objected to the grant of regular bail. Learned APP has submitted that looking to the nature of offence and the role attributed to the present applicants, this Court may not exercise the discretion in favour of the applicants and the application may be dismissed.

6. I have heard learned advocates appearing on behalf of the respective parties and perused the papers. Following

aspects are considered:

- (i) The fact that the FIR under the GUJCTOC Act and whereas it would prima facie appear to this Court that there is no material against the present applicant, which would prima facie reveal that the present applicant was part of any organised gang.
- (ii) The allegation being that the gang in question i.e. one so called Nikubha gang, was indulging into organised crime by illegally mining sand from the riverbed of Sabarmati river.
- (iii) The allegation against the present applicant is of being accused in three different FIRs and whereas it would appear that the first FIR has nothing to do with the allegation under GUJCTOC Act, more particularly being personal in nature, where the applicant is alleged to have assaulted a person with whom sister of co-accused had eloped. The co-accused and his family members i.e. total of 36 accused, including applicant, of which more than half were women of his family, had assaulted a person with whom his sister had eloped.
- (iv) The second and the third FIRs being registered against the present applicant on the very day, more

particularly one FIR being where the applicant is alleged to have obstructed the passage of the some dumpers through a kachha road, passing adjacent to his village and the second also being with regard to the same transaction where some Government officials and private individuals having been obstructed, while travelling on the kachha road. It would be pertinent to mention that the applicant has been enlarged on regular bail in all substantive offences.

- (v) Considering the above, since it prima facie appears to this Court that there is nothing, which connects the present applicant to the organised crime except the fact that in later two FIRs, the main accused of the GUJCTOC FIR is also one of the accused, to this Court, the present applicant requires consideration.
- (vi) The leader of the organized crime syndicate one Narendrasinh @ Nikusinh Jashvantsinh Rathod having been considered for being enlarged on regular bail by learned Trial Court vide order dated 21.02.2026.

This Court has 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.

7. In the facts and circumstances of the case and considering the nature of the allegations made against the applicant in the First Information Report, 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.

8. Hence, the present application is allowed. The applicant is ordered to be released on bail in connection with F.I.R. registered as C.R. No.11209041251253 of 2025 registered with Prantij Police Station, Dist. Sabarkantha, on executing a bond of Rs.50,000/- (Rupees Fifty 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 Court concerned;

[e] furnish the present address of residence to the I.O. and also to the Court at the time of execution of the bond and shall not change the residence without prior intimation to the I.O.;

[f] mark presence once a week till the charge-sheet is filed and thereafter once a month for a period of twelve months before the concerned police station.

9. 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 Court concerned will be free to take appropriate action in the matter.

10. 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.

11. At the stage of trial, the trial court shall not be influenced by any observations of this Court which are of preliminary nature made at this stage, only for the purpose of considering the application of the applicant for being released

on regular bail.

12. The application is allowed in the aforesaid terms. Rule is made absolute to the aforesaid extent. Direct service is permitted.

(NIKHIL S. KARIEL,J)

NAIR SMITA V./04-SB-I

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: SMITA VINU NAIR(HC00186), PRINCIPAL PRIVATE SECRETARY, at High Court of Gujarat on 27/02/2026 10:48:42