

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/CRIMINAL MISC.APPLICATION (FOR REGULAR BAIL - AFTER
CHARGESHEET) NO. 5183 of 2026**

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TARUNKUMAR BABUBHAI VAISHNAV @RAKESH VAISHNAV
Versus
STATE OF GUJARAT

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Appearance:

MR.NANDISH H THACKAR(7008) for the Applicant(s) No. 1

MR JK SHAH, APP for the Respondent(s) No. 1

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CORAM:**HONOURABLE MR. JUSTICE NIKHIL S. KARIEL**

Date : 03/03/2026

ORAL ORDER

1. Heard learned advocate Mr.Thackar appearing on behalf of the applicant and learned Additional Public Prosecutor Mr.Shah appearing on behalf of the respondent-State.

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

3. The applicant has filed this application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 for enlarging the applicant on Regular Bail in connection with FIR being **C.R. No.11214042251915 of 2025** registered with **Olpad Police Station, Surat**, for the offence punishable under Sections 305, 324(5), 326(g), 331(4), 334(1) and 3(5) of the BNS, 2023.

4. Learned advocate for the applicant would submit that considering the role attributed to the applicant, and nature of the allegation levelled, the applicant may be enlarged on regular bail. It is further submitted that the charge-sheet is filed no

useful purpose would be served by keeping the applicant in jail for indefinite period. It is further contended that the applicant are ready and willing to abide by 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 applicant as coming out from the charge-sheet, this Court may not exercise the discretion in favour of the applicant 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 allegation in the FIR being of the accused having cut upon an ATM machine and having stolen approximately Rs.16,00,000/- therefrom.
- ii. The role attributed to the present applicant is of having arranged a vehicle for the accused to travel to the ATM and also for a gas cutter along with an oxygen cylinder used for cutting the ATM.
- iii. The fact of the applicant not being identified in the CCTV footage of the ATM.

iv. The fact of the applicant being arrested on the basis of some secret information, and an amount of Rs.1,50,000/- approximately being recovered from the present applicant, which is allegedly the proceeds of the crime.

v. The fact of the vehicle, which was allegedly used in the offence found from the custody of the applicant with multiple number plates.

vi. Considering the above, while it would prima facie, appear that the applicant may have been involved in the offence in question, yet considering that the applicant is in custody since 3-11-2025, the charge sheet having been filed and the applicant not having any antecedents, and the maximum punishment that could be imposed, this court is inclined to consider this application albeit with appropriate safeguards.

7. 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**.

8. In the facts and circumstances of the case and considering the nature of the allegations made against 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.

9. 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.11214042251915 of 2025** registered with **Olpad Police Station, Surat**, on executing a bond of Rs.25,000/- (Rupees Twenty Five Thousands 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 Investigating Officer and also to the Court at the time of execution of the bond and shall not change the residence without prior intimation to the Investigating Officer;

[h] mark his presence once every forthright for a period of six months, thereafter, once a month for six months before the concerned Police Station;

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 Court concerned will be free to 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 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.

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

(NIKHIL S. KARIEL,J)

KUMAR ALOK

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: ALOK KUMAR(HC01091), PRIVATE SECRETARY, at High Court of Gujarat on 05/03/2026 14:08:57