

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CRIMINAL MISC.APPLICATION (FOR REGULAR BAIL - BEFORE
CHARGESHEET) NO. 7489 of 2026**

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SUFYAN ZAKIR GAD (SUFYAN ZAKIR GATH)

Versus

STATE OF GUJARAT

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Appearance:

MR P P MAJMUDAR(5284) for the Applicant(s) No. 1

MR JK SHAH ADDITIONAL PUBLIC PROSECUTOR for the Respondent(s) No. 1

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CORAM:HONOURABLE MR. JUSTICE NIKHIL S. KARIEL**Date : 02/04/2026****ORAL ORDER**

1. Heard learned Advocate Mr. P.P. Majmudar on behalf of the applicant and learned Additional Public Prosecutor Mr. J.K. Shah for the respondent-State. Learned Advocate Mr. Vora Mohammad Ali submits that he has instructions to appear on behalf of the original complainant and that he may be permitted to file his vakalatnama and reply. Permission is granted. Registry to accept his vakalatnama.

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. 11199056260060 of 2026** registered with **Vagra Police Station, Dist. Bharuch**, for the

offence punishable under Sections 109(1), 118(1), 118(2), 3(5), 351(3), 352, 125(a) and 125(b) of the Bhartiya Nyay Sanhita, 2023 and Sections 177 and 184 of the Motor Vehicles Act.

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 since 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 is 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 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. This Court has heard learned Advocates appearing on behalf of the respective parties and perused the papers. Following aspects are considered:-

(i) The allegation being that the accused had caused injuries to the complainant as co-relatable to an offence punishable under Section 109(1) of the Bhartiya Nyay Sanhita.

(ii) Prima facie it would appear that the other co-accused are the

relatives of the present applicant and whereas while the injuries are attributed to co-accused Hanif Hasan, who was driving the vehicle which had dashed with the complainant, the present applicant does not appear to have been attributed any particular role.

(iii) Prima facie it would appear that the relative of the present applicant accused No. 2 Muhtsir, who was son of the person driving the vehicle, had called the present applicant at the site of the incident and whereas while the present applicant and the co-accused were talking accused Hanif had driven his Car in a rash and negligent manner and had dashed the same against the complainant.

(iv) Thus prima facie it would appear that as far as the applicant is concerned it does not appear that he was involved in alleged conspiracy whereby the complainant had been injured.

(v) It also appears that the applicant does not have antecedent of being involved in any other offence hereinbefore.

(vi) This Court has considered that the applicant is in custody since 27.02.2026.

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 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 applicants on regular bail.

9. Hence, the present application is allowed. The applicants are ordered to be released on bail in connection with **C.R. No. 11199056260060 of 2026 registered with Vagra Police Station, Dist. Bharuch**, on executing a 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 Court concerned;

[e] mark presence once in a week before the concerned Police Station till the charge-sheet is filed and thereafter, once in a month for a period of six months.

[f] 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 residential address without prior intimation to the Investigating Officer.

[g] not enter Vagra Taluka till charge-sheet is filed except for marking presence in 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 applicants 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.

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(NIKHIL S. KARIEL,J)