

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CRIMINAL MISC.APPLICATION (FOR REGULAR BAIL - AFTER CHARGESHEET) NO. 9107 of 2026**

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WASIM @ ANJUM ABDULBHAI MUSANI
Versus
STATE OF GUJARAT

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Appearance:

MR. BHAVIK P SHAH(6391) for the Applicant(s) No. 1

MR TRUPESH KATHIRIYA ADDL. PUBLIC PROSECUTOR for the Respondent(s) No. 1

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CORAM:HONOURABLE MR. JUSTICE NIKHIL S. KARIEL
Date : 28/04/2026

ORAL ORDER

Draft amendment is allowed. To be carried out forthwith.

1. Heard learned advocate Mr. Bhavik P. Shah appearing on behalf of the applicant 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 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.11202056250849 of 2025 registered with Kalavad Rural Police Station, Dist. Jamnagar, for the offence punishable under Sections 310(4), 310(5) and 61 of the BNS and under Section 135 of the G.P. 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. I have 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 were arrested when they were preparing for committing dacoity as punishable under Section 310(4),(5) of the BNS.
- (ii) The allegation being that the accused were caught with weapons sickle and whereas it would appear that the weapons includes pipes, sickle etc.
- (iii) It would also appear that while the applicant was apprehended in connection with the said offence, after the applicant was arrested, he has been alleged to be implicated in the offences, which are shown as the antecedents.
- (iv) This Court has also considered the fact that the applicant is in custody since 10.10.2025, charge-sheet having been filed and

whereas as far as present offence is concerned, the same was with regard to preparation and not actual commission.

- (v) The fact of the applicant having being for being enlarged on regular bail in the antecedents offence, which are punishable under Section 303(2) of the BNS (theft).

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.11202056250849 of 2025 registered with Kalavad Rural Police Station, Dist. Jamnagar, on executing a bond of Rs.10,000/- (Rupees Ten 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 month for a period of six 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.

Y.N. VYAS

(NIKHIL S. KARIEL,J)