

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

**R/CRIMINAL MISC.APPLICATION (FOR REGULAR BAIL - AFTER
CHARGESHEET) NO. 9546 of 2026**

=====

JITENDRAKUMAR @JOGENDRA JOGESHWAR MAHATO
Versus
STATE OF GUJARAT

=====

Appearance:

MR M N SHAIKH(11323) for the Applicant(s) No. 1

MR. ABDULAYAN A. SHAIKH(18171) for the Applicant(s) No. 1

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

=====

CORAM:HONOURABLE MR. JUSTICE NIKHIL S. KARIEL

Date : 04/05/2026

ORAL ORDER

1. Leave to amend.
2. Heard learned advocate Mr. Zubin Bharda with learned advocate Mr. M.N.Shaikh appearing on behalf of the applicant and learned Additional Public Prosecutor Mr.J.K.Shah appearing on behalf of the respondent-State.
3. **Rule.** Learned APP waives service of rule on behalf of the respondent-State.
4. 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. 11191035250186 of 2025 registered with Naroda Police Station, District: Ahmedabad City** for the offence punishable under Sections 316(2), 318, 308(4), 115(1), 61, 351(3), 127(7), 54 of B.N.S.Act and under Section 135 of the G.P.Act and under Sections 66(c), 66(d) of the I.T.Act and under Section 25(1-b)(a) of Arms Act.

5. 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.

6. 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.

7. I have heard learned advocates appearing on behalf of the respective parties and perused the papers. Following aspects are considered:-

- i. Allegation in the FIR being very serious inasmuch as the complainant alleges that he had been lured to Patna, Bihar for the purpose of attending a conference where he had been abducted, threatened and large sum of money extorted from him, that is approximately Rs.61 Lakhs .
- ii. The role attributed to the present applicant being that he was part of the group which had kept the complainant in illegal detention and whereas, the allegation being that the applicant had also assaulted the complainant using a belt. The applicant is alleged to have threatened the complainant with a gun.
- iii. The fact that the present applicant having been arrested basis the statement of co-accused.
- iv. Surprisingly, it appears that there was no test identification parade conducted, whereby the present applicant could be identified by the victim – the

complainant.

v. Though learned APP submits that the applicant has an antecedent of being involved in a similar offence in Bihar yet, to this Court it would appear that antecedents could not be the only reason for keeping a person in custody, more particularly, since it appears that the applicant is in custody since 08.05.2025 and whereas as noticed herein above, the material against the present applicant being of very very limited value and nature, this Court is inclined to grant bail.

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 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.

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. 11191035250186 of 2025 registered with Naroda Police Station, District: Ahmedabad City**, 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] 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.;

[e] mark presence once in a month for a period of 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)

NAIR SMITA V./70-DB