

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CRIMINAL MISC.APPLICATION (FOR SUCCESSIVE REGULAR BAIL -
AFTER CHARGESHEET) NO. 10207 of 2026**

=====

SAMIR @ CHIKNO MAHEBUBMIYA AHMEDMIYA SHEKH
Versus
STATE OF GUJARAT

=====

Appearance:

MR SANJAY PRAJAPATI(3227) for the Applicant(s) No. 1
MR ROHAN RAVAL, APP for the Respondent(s) No. 1

=====

CORAM:HONOURABLE MR. JUSTICE M. R. MENGDEY**Date : 19/06/2026****ORDER**

1. The applicant has filed this Application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS) for enlarging the applicant on Regular Bail in connection with FIR being C.R. No.11191007240768 of 2024 registered with Bapunagar Police Station, District:Ahmedabad City for the offences punishable under Sections 109, 189(2), 189(4), 190, 191(1), 191(2), 191(3), 296(B), 221 of the B.N.S. Act., Section 3 of the Prevention of Damages to Public Property Act, Section 135 of the G.P.Act, Sections 3(1)(ii), 3(2), 3(4) of the Gujarat Control of Terrorism and Organized Crime Act.

2. Heard learned advocate appearing for the applicant and learned Additional Public Prosecutor for the Respondent – State.

2.1 Rule. Learned PP waives service of Rule on behalf of the Respondent State.

3. Learned Advocate for the Applicant has submitted that the Applicant has good reputation in the society and 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.

4. Per contra, the application is opposed by learned APP for the respondent contending that having regard to the conduct of the applicant, the provisions of GUJCTOC Act have been invoked. The present applicant and the other co-accused have assaulted the police personnel when they were performing their duty and they were assaulted with deadly weapons and therefore, the provisions of GUJCTOC have been invoked against them. The present applicant had several other antecedents for commission of serious offences. He further submitted that present is a successive application filed by the applicant after withdrawal of the earlier application and there being no change in circumstances, the application should be dismissed.

5. This Court has considered the submissions canvassed by learned advocates for the parties and has also perused the material placed on record. Earlier the applicant had filed Criminal Misc. Application No.12946 of 2025 which was allowed to be withdrawn by this court vide order dated 4.7.2025. While permitting the applicant to withdraw the said application, liberty was granted to the applicant to file an application afresh after a period of 9 months if the trial did not get over by the said time. The present applicant has been arrested in connection with the present offence in the month of December. 2024 and since then the applicant is in custody. This court vide order dated 5.5.2026 had asked learned Trial Court to submit its report as regards the status of trial. Accordingly, learned trial court has submitted its report as regards the status of trial which indicates that the trial has not progressed satisfactorily after withdrawal of the earlier application. Considering the

same, the application deserves consideration.

6. This court has considered the following aspects:

- (a) As per catena of decisions of Hon'ble Supreme Court, there are mainly 3 factors which are required to be considered by this court i.e. prima facie case, availability of Applicant accused at the time of trial and tampering and hampering with the witnesses by the accused.
- (b) That the learned Advocate for the Applicant has submitted that the Applicant Accused is not likely to flee away.
- (c) That the Applicant is in judicial custody.
- (d) The law laid down by the Hon'ble Apex Court in the case of **Sanjay Chandra v. C.B.I. Reported in (2012) 1 SCC 40.**

7. Having heard the learned Advocates for the parties and perusing the record produced in this case as well as taking into consideration the facts of the case, nature of allegations, gravity of accusation, availability of the Applicant Accused at the time of Trial etc. and the role attributed to the present Applicant accused, the present Application deserves to be allowed and accordingly stands allowed. This Court has also gone through the FIR and police papers and also the earlier order passed by the learned Sessions Court where the learned Sessions Judge has disallowed the bail Application at initial stage. The Applicant Accused is ordered to be released on bail in connection with the aforesaid FIR on executing a personal bond of Rs.10,000/- with one surety of the like amount to the satisfaction of the trial Court, subject to the following conditions that the applicant shall:

- (a) not directly or indirectly make any inducement, threat or promise to any person acquainted with the fact of the case so as to dissuade him from disclosing such facts to the Court or any Police Officer or tamper with the

evidence.

(b) maintain law and order and not to indulge in any criminal activities.

(c) furnish the documentary proof of complete, correct and present address of residence to the Investigating Officer and to the Trial Court at the time of executing the bond and shall not change the residence without prior permission of the trial Court.

(d) provide contact numbers as well as the contact numbers of the sureties before the Trial Court. In case of change in such numbers inform in writing immediately to the trial Court.

(e) file an affidavit stating his immovable properties whether self acquired or ancestral with description, location and present value of such properties before the Trial Court, if any.

(f) mark presence before the concerned Police Station once in a month for a period of six months between 11:00 a.m. and 2:00 p.m..

(g) surrender passport, if any, to the Trial Court within a week. If the Applicant does not possess passport, shall file an Affidavit to that effect.

(h) shall mark his presence at the nearest police station station once every month while being on bail.

(i) shall not leave the territory of Gujarat without prior permission of the concerned trial court.

(j) not enter the areas of Ahmedabad City till the conclusion of trial except for attending the trial court.

(k) shall furnish his residential address to the concerned court at the time of furnishing bail bond.

8. Bail bond to be executed before the Trial Court having jurisdiction to try the case. It would be open for the Trial Court concerned to give

time to furnish the solvency certificate if prayed for.

9. If breach of any of the above conditions is committed, the Trial Court concerned will be free to issue warrant or take appropriate action according to law. The Authorities will release the Applicant forthwith only if the Applicant is not required in connection with any other offence for the time being.

10. At the trial, the concerned trial Court shall not be influenced by the *prima facie* observations made by this Court in the present order.

11. Rule is made absolute. Direct service permitted.

Manshi

(M. R. MENGDEY,J)