

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CRIMINAL MISC.APPLICATION (FOR SUCCESSIVE REGULAR BAIL -
AFTER CHARGESHEET) NO. 10465 of 2026**

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VICKY KUMAR @VICKY PANDIT S/O. RAVINDRA SHARMA
Versus
STATE OF GUJARAT

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Appearance:
RUCHI V SINGH(8933) for the Applicant(s) No. 1
MR HARDIK SONI, ADDL. PUBLIC PROSECUTOR for the Respondent(s)
No. 1

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CORAM:HONOURABLE MR. JUSTICE NIKHIL S. KARIEL

Date : 06/07/2026

ORAL ORDER

1. Heard learned advocate Ms.Ruchi Singh appearing on behalf of the applicant and learned Additional Public Prosecutor Mr.Hardik Soni 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. I-197/2018 registered with Pandesara Police Station, Surat City for the offence punishable under Sections

307, 114 of the IPC, Section 25(1)(b)(a) of the Arms Act and Section 135(1) 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 very serious inasmuch as the accused are alleged to have committed offence punishable under Sections 307 and 114 of the IPC more particularly the allegation being that the accused had opened fire on the complainant party using firearms etc.
- ii. As against the same, this Court notes that the complaint had been registered in the month of June, 2022 and whereas, the present applicant could be arrested in the month of July, 2025.
- iii. It also appears that except for the statement of co-accused which obviously is not part of the charge-sheet, there is no other material whereby the applicant could be implicated.
- iv. It is also pointed out that the present applicant does not have any antecedents of being involved in any offence whatsoever.
- v. Considering the lack of material against the present applicant and having regard to the fact that the applicant does not have any antecedent and also considering the period of incarceration undergone, this Court is inclined to

release the present applicant albeit with appropriate safeguards.

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. I-197/2018 registered with Pandesara Police Station, Surat City, on executing a bond of Rs.50,000/- (Rupees Fifty Thousand only) with two sureties 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] not to enter Surat City for a period of six months from the date of his release except for the purpose of marking presence and attending the trial;

[g] mark presence every fortnight 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.

Bhoomi

(NIKHIL S. KARIEL,J)