

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

**R/CRIMINAL MISC.APPLICATION (FOR SUCCESSIVE REGULAR BAIL -
AFTER CHARGESHEET) NO. 10736 of 2026**

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VASIFBHAI YUNUSBHAI LALIYA

Versus

STATE OF GUJARAT

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Appearance:

MR V B MALIK(5071) 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 : 01/07/2026

ORAL ORDER

1. Heard learned advocate Mr.V.B.Malik 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. 11193052240205 of 2024 registered with**

Sawarkundla Town Police Station, District: Amreli for the offence punishable under Sections 307, 323, 504 of IPC and under Section 135 of the GP 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. It would appear that the present applicant having been arraigned as an accused, had been arrested by the investigating officer and whereas vide order dated 18.02.2025 in Cr.Ma No.2312 of 2025, a learned Coordinate Bench of this Court had been pleased to release the present applicant on regular bail.
- ii. It would appear that the present applicant, thereafter, had not attended the trial on a few occasions, which had resulted in the learned trial Court, issuing a warrant for the arrest of the present applicant, and whereas, it would appear that the present applicant, had been arrested and the applicant having sought for regular bail, the learned Sessions Court having declined to do so, the applicant has approached this Court.
- iii. While it would appear that the present applicant has a long list of antecedents, 21 to be precise, more particularly, majority offences being under the Prohibition Act, and whereas this Court has also noticed the fact that there were three FIRs registered against the present applicant, during that period the present applicant was allegedly absconding.

iv. As against the same, this Court has considered the fact that the present applicant had been considered for released in the substantive offence.

v. This Court has also considered the submissions of learned advocate Mr. Malik that in the later offence, the applicant has already been released on regular bail.

vi. This Court has noticed the fact that the applicant is in custody in connection with the present non-bailable warrant, from the month of May, 2025.

vii. Considering the period of incarceration, though the present applicant has number of antecedents, yet, this Court is inclined to consider this application albeit at the request of learned APP 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. 11193052240205 of 2024 registered with Sawarkundla Town Police Station, District: Amreli**, on executing a bond of Rs.25,000/- (Rupees Twenty Five 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] **shall not enter Amreli District for a period of six months except for marking presence (if it is a bail condition) or**

attending the trial in the antecedent offences.

[g] mark presence before Pradhyumannagar police station, Rajkot City once a fortnight for a period of six months and after entering Amreli after the above period, mark presence once in 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.

(NIKHIL S. KARIEL,J)

NAIR SMITA V./20-SB-I

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: SMITA VINU NAIR(HC00186), PRINCIPAL PRIVATE SECRETARY, at High Court of Gujarat on 02/07/2026 10:43:45