

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

**R/CRIMINAL MISC.APPLICATION (FOR SUCCESSIVE REGULAR BAIL -
AFTER CHARGESHEET) NO. 11025 of 2026**

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PRADIP @ MONU S/O ARUNKUMAR CHOTELAL TIWARI

Versus
STATE OF GUJARAT

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Appearance:

MR BHAVIK R SAMANI(8339) for the Applicant(s) No. 1

MR TRUPESH KATHIRIYA, APP for the Respondent(s) No. 1

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CORAM:HONOURABLE MR. JUSTICE M. R. MENGDEY

Date : 25/06/2026

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. 11191024250315 of 2025 registered with Ramol Police Station, District: Ahmedabad City for the offences punishable under Sections 109(1), 118(1), 189(2), 189(4), 190, 191(2), 191(3), 126(2), 324(6), 296(b) and 351(3) of the B.N.S and Section 135(1) of the G. P. 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 the present applicant had actively participated in commission of the offence in question. He therefore submitted to dismiss the present application.

5. This Court has considered the submissions canvassed by learned advocates for the parties and has also perused the material placed on record. The investigation is over and chargesheet is filed. The applicant had earlier preferred Criminal Miscellaneous Application No. 16322 of 2025 which was dismissed by this Court vide order dated 12.08.2025. Thereafter, the present successive application has been filed by the present applicant. From the record it appears that the provisions of Gujarat Control of Terrorism and Organized Crime (GUJCTOC) Act, 2009 have been invoked against the other co-accused and in view of Section 10 of the GUJCTOC Act, 2009 till the trial of the offence punishable under the provisions of the GUJCTOC Act, 2009 is over, the trial of the present offence will not proceed further. Moreover, the other co-accused who were similarly situated to the present applicant have been considered for grant of bail by the learned Sessions Court. 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 before the concerned police station once every month.
- (i) shall not leave the territory of Gujarat without prior permission of the concerned trial court.
- (j) shall not enter the territory of Ahmedabad City for a period of 1 year except for attending concerned police station and the learned Trial Court.

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.

(M. R. MENGDEY,J)

SHRIJIT PILLAI