

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/CRIMINAL MISC.APPLICATION (FOR REGULAR BAIL - AFTER
CHARGESHEET) NO. 15752 of 2026**

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SANJAYRAJSINH @SANJAYSINH @CHINTU MAHENDRASINH
@JAYATSINH ZALA
Versus
STATE OF GUJARAT

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Appearance:
MR VIRAT G POPAT(3710) for the Applicant(s) No. 1
MS VRUNDA SHAH, APP for the Respondent(s) No. 1

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CORAM:**HONOURABLE MR. JUSTICE HASMUKH D. SUTHAR**
Date : 07/08/2026

ORDER

[1.0] RULE. Learned APP waives service of notice of Rule for and on behalf of the respondent – State of Gujarat.

[2.0] Present Criminal Misc. Application is filed by the applicant-original accused No.5 under Section 483 of the Bharatiya Nyaya Suraksha Sanhita, 2023 (for short "BNSS") for regular bail in connection with FIR being **C.R.No.11208055250411 OF 2025 registered with DCB Police Station, Rajkot City**, for the offence under Sections 3(1)(ii), 3(2) and 3(4) of the Gujarat Control of Terrorism and Organized Crimes Act, 2015 (for short "GUJCTOC Act").

[3.0] Learned advocate for the applicant submitted that the applicant is innocent and has been falsely implicated in the present case. It is further submitted that the present applicant has neither formed nor been a member of any organized crime syndicate, nor has he engaged in any continuing unlawful activity as contemplated under the provisions of the GUJCTOC Act. Considering that the trial is likely to take considerable time to conclude, the continued incarceration of the applicant is unwarranted. It is, therefore, prayed that the present application be allowed and the applicant be enlarged on regular bail.

[4.0] *Per contra*, learned APP vehemently opposed the application and submitted that the present applicant is specifically named in the FIR and is an active member of an organized crime syndicate. Therefore, looking to the gravity and nature of the allegations, the material collected during the investigation, and the statutory rigors of the GUJCTOC Act, no case is made out for exercising discretion in favour of the applicant. It is, therefore, prayed that the present application be dismissed.

[5.0] While granting bail, the Court has to consider the involvement of the accused in the alleged offence, the jurisdiction to grant bail has to be exercised on the basis of the well settled principles having regard to the facts and circumstances of each case and the following factors are to be taken into consideration while considering an application for bail: (i) the nature of accusation and the severity of the punishment and the nature of the materials relied upon by the prosecution; (ii) reasonable apprehension of tampering with the witnesses and threat to the complainant or the witnesses; (iii) reasonable possibility of securing the presence of the accused at the time of trial or the likelihood of his abscondence; (iv) character behaviour and standing of the accused and the circumstances which are peculiar to the accused; (v) larger interest of the public or the State and similar other considerations are required to be considered.

[6.0] I have heard the learned advocates appearing on behalf of the respective parties and perused the investigation papers. Following aspects have been considered:

- (1) investigation is over and charge-sheet is filed;
- (2) Applicant is behind the bar since 12.11.2025;

- (3) There is nothing to be recovered or discovered from the applicant;
- (4) Prima facie, it clearly reveals that there is no evidence which suggests that the present applicant is a member of an organized crime syndicate and that he is continuously involved illegally on behalf of the said gang, either singularly or jointly, so as to invoke the offence. Two offences are considered mainly. One offence is registered under Section 307 against the co-accused, who happens to be a member of the "Penda Gang", and initially he was not named, but it is alleged that he had supplied the arms to the co-accused. He was arraigned as an accused in the said offence under Section 307 of the IPC and thereafter, another offence was registered in connection with supplying and providing the weapon, and another offence under the Arms Act was recorded. The said two offences are relied upon to invoke the provisions under the GUJCTOC. Except this material, nothing suggests the involvement of the present applicant to continue in the illegal activity.
- (5) The applicant is having nine past antecedents, but only six antecedents are considered to invoke the provisions of the GUJCTOC. Out of the six, in two, he is acquitted.
- (6) When the applicant was arrested in connection with the offence under Section 307 of the IPC, arms were found from his possession. Due to this reason, an offence under the provisions of the Arms Act came to be registered.
- (7) However, on a close examination of the record, there is no foundational material or independent evidence placed on

record to establish that the applicant was actively leading or operating as a member of a coordinated "organised crime syndicate" carrying out "continuing unlawful activity" as defined under the special provisions of the GUJCTOC Act. The past individual offences are primarily distinct, isolated infractions. An isolated series of individual past offenses, in the absence of any concrete material demonstrating a structured, continuous group dynamic or a collective nexus aimed at gaining pecuniary benefits or undue advantages as a syndicate, would not satisfy the strict statutory requirements of the GUJCTOC Act. No material has been brought on record to indicate that the applicant acted in furtherance of an organized crime syndicate's collective agenda rather than in an individual capacity. In this regard, reference may be made to the decision of the Hon'ble Supreme Court in ***State of Gujarat v. Sandip Omprakash Gupta, 2024(14) SCC 401.***

(8) Obviously commencement and conclusion of trial will take its own time.

[7.0] This Court has also taken into consideration the law laid down by the Hon'ble Apex Court in the case of **Sanjay Chandra vs. Central Bureau of Investigation reported in [2012]1 SCC 40 as well as in the case of Gudikanti Narasimhulu And Ors vs. Public Prosecutor, High Court of Andhra Pradesh reported in (1978)1 SCC 240.** Obviously, the conclusion of trial will take time and keeping the accused behind the bars is nothing but amounts to pre-trial conviction and therefore, considering the celebrated principle of bail jurisprudence is that "bail is a rule and jail is exception" as well as the concept of personal liberty guaranteed under Article 21 of the Constitution of India, present application deserves consideration.

[8.0] In the facts and circumstances of the case and considering the nature of the allegations made against the applicant in the FIR, 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. Hence, the present application is **allowed**. The applicant is ordered to be released on regular bail in connection with **C.R.No.11208055250411 OF 2025 registered with DCB Police Station, Rajkot City**, on executing a personal 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/she shall;

- (a) not take undue advantage of liberty or misuse liberty;
- (b) not act in a manner injurious to the interest of the prosecution & shall not obstruct or hamper the police investigation and shall not to play mischief with the evidence collected or yet to be collected by the police;
- (c) surrender passport, if any, to the Trial Court within a week;
- (d) not leave the State of Gujarat without prior permission of the Trial Court concerned;
- (e) mark presence before the concerned Police Station once in every month for a period of six months between 11.00 a.m. and 2.00 p.m.;
- (f) furnish the **Aadhaar card, email ID/present address of his residence** to the Investigating Officer and also to the Court at the time of execution of the bond and shall not change the **residence/contact number** without prior permission of Trial Court;

[9.0] 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 Judge concerned will be free to issue warrant or take appropriate action in the matter.

[10.0] 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.

[11.0] At the trial, the trial Court shall not be influenced by the observations of preliminary nature qua the evidence at this stage made by this Court while enlarging the applicant on bail.

[12.0] Rule is made absolute to the aforesaid extent. Direct service is permitted.

KUMAR ALOK

(HASMUKH D. SUTHAR,J)