

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/CRIMINAL MISC.APPLICATION (FOR REGULAR BAIL - AFTER
CHARGESHEET) NO. 15052 of 2026

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SACHIN RAKESHKUMAR @ LALO JAISWAL
Versus
STATE OF GUJARAT

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Appearance:

MR VIRAT G POPAT(3710) for the Applicant(s) No. 1
MR ADITYA JADEJA, APP the Respondent(s) No. 1

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CORAM:HONOURABLE MR. JUSTICE HASMUKH D. SUTHAR

Date : 10/08/2026
ORDER

[1.0] RULE. Learned APP waives service of rule for the respondent-State.

[2.0] The present application is filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short “BNSS”) for regular bail in connection with **FIR being C.R. No. 11197054251280 of 2025 registered with Varnama Police Station, Vadodara (Rural)** for the offences under Sections 3(1) (ii), 3(2), 3(4) and 3(5) of the Gujarat Control of Terrorism and Organized Crime Act, 2015.

[3.0] Learned advocate appearing on behalf of the applicant submits that the applicant is innocent and has been falsely implicated in the offence. Nothing is required to be recovered or discovered. He therefore submits that, considering the nature of the offence, the applicant may be enlarged on regular bail by imposing suitable conditions.

[4.0] Learned APP appearing on behalf of the respondent-State has opposed the present application and requested to dismiss the present application for regular bail on the ground that the applicant is very much involved in the present offence and considering the gravity of offence, no case is made out to entertain present bail application. Therefore, present application does not deserve consideration.

[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 14.10.2025;
- (3) There is nothing to be recovered or discovered from the applicant;
- (4) The allegation against the present applicant is that the provisions of the GUJCTOC Act have been invoked against him on the ground that he is involved in six offences. Out of the said six offences, three offences are under the provisions of the Gambling Act and, therefore, cannot be taken into consideration for the purpose of invoking the provisions of the GUJCTOC Act. As regards the remaining three offences, the applicant has already been acquitted in all three cases.

(5) So far as the role of the present applicant is concerned, the prosecution seeks to rely upon various past offences allegedly committed by the syndicate. 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.***

(6) In the present case, although the charge-sheet has already been filed, there is no material indicating group dynamics, structured participation in organised criminal activities, or any nexus demonstrating that the earlier charge-sheets disclose joint unlawful acts committed on behalf of the alleged syndicate. Furthermore, no material has been placed on record to prima facie establish that the present applicant was involved in any continuing unlawful activity in furtherance of the alleged organised crime syndicate so as to satisfy the requirements of joint action and pecuniary benefit contemplated under the GUJCTOC Act. In the absence of cogent material establishing the applicant's structural membership in the organised crime syndicate or his involvement in continuing unlawful activity in that capacity, this Court is of the considered view that, at this stage, the rigours of Section 20 of the GUJCTOC Act stand sufficiently addressed. Accordingly, the present application deserves consideration.

(7) 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 **FIR being C.R. No. 11197054251280 of 2025 registered with Varnama Police Station, Vadodara (Rural)** 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;
 - (g) not to indulge in any illegal activity failing which learned trial Court shall issue warrant and cancel the bail of the applicant.

[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.

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(HASMUKH D. SUTHAR,J)