

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/CRIMINAL MISC.APPLICATION (FOR REGULAR BAIL - AFTER
CHARGESHEET) NO. 15058 of 2026**

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RAJASINGH @ RAJA MADHUSINGH TANK SARDAR (SIKLIGAR)
Versus
STATE OF GUJARAT

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Appearance:

MR HITESH L GUPTA(3937) for the Applicant(s) No. 1
MR JAY MEHTA, APP for the Respondent(s) No. 1

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CORAM: HONOURABLE MR. JUSTICE HASMUKH D. SUTHAR
Date : 29/07/2026
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.11196013250230 of 2025 registered with State Monitoring Cell Police Station, District-Gandhinagar**, for the offence under Sections 3(1), 3(2), 3(4) and 3 (5) 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 submitted that the provisions of the GUJCTOC Act have been invoked mechanically and merely on the basis of presumptions, without satisfying the mandatory statutory requirements prescribed under the Act. Learned advocate contended that the object of the GUJCTOC Act is to curb organized crime and organized crime syndicates, and not to invoke its stringent provisions as a preventive measure in the absence of the essential ingredients constituting an offence

under the Act. Learned advocate further submitted that, initially, sanction under the GUJCTOC Act was not accorded against the present applicant. It is contended that the learned Special Judge failed to appreciate this material aspect and dismissed the bail application without properly considering the fact that the provisions of the GUJCTOC Act were not attracted to the facts of the present case. It is submitted that the learned Special Judge mechanically relied upon the applicant's past antecedents while rejecting the application, without examining whether the statutory requirements for invoking the provisions of the GUJCTOC Act were satisfied. It is further submitted that the applicant has been acquitted in several criminal cases, and in the remaining cases he has been enlarged on bail. Therefore, the mere existence of past antecedents cannot, by itself, justify the invocation of the provisions of the GUJCTOC Act. It is also submitted that the applicant is not engaged in any continuing unlawful activity as contemplated under the Act. Learned advocate further submitted that a co-accused, against whom similar allegations and an identical role have been attributed, has already been enlarged on bail by this Court. Therefore, on the ground of parity, the present applicant is also entitled to be enlarged on regular bail. It is further submitted that the investigation has been completed and the charge-sheet has already been filed. Nothing further remains to be recovered or discovered from the applicant. Considering that the trial is likely to take considerable time to conclude, continued incarceration of the applicant would serve no useful purpose. 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. It is submitted that the applicant has been continuously engaged in unlawful activities and is a member of an organized crime syndicate involved in the commission of scheduled offences. Learned APP further submitted that as many as 31 criminal cases have been registered against the applicant, including offences relating to house-breaking, theft, and criminal trespass, which clearly demonstrate his continuous involvement in organized criminal activities. It is further submitted that, considering the applicant's criminal antecedents and his active role in the organized crime syndicate, there is every likelihood that, if released on bail, he would tamper with the prosecution evidence, influence or intimidate witnesses, and once again indulge in similar criminal activities. Learned APP further submitted that, having regard to the gravity and nature of the allegations, the material collected during the course of investigation, and the statutory rigours of the GUJCTOC Act, no case is made out for exercising the discretionary jurisdiction of this Court in favour of the applicant. It is, therefore, prayed that the present application be dismissed.

[5.0] Having heard the learned advocate for the both sides and going to the record, it appears that present applicant is shown in the FIR as accused number 3 in all 31 offenses pertaining to housebreaking, theft, and trespass offenses have been registered and 15 offenses are pending and gold, silver ornaments,

muddamal are recovered in another offenses and present applicant's having the past antecedents and due to this reason, the provision of the GCTOC is invoked. Out of 31, 25 offenses have been considered, but out of 25 in 11 offenses he is acquitted and in 14 offenses are pending which ranging from 2016 to 2019 and 5 offenses are registered in the 2023. In this regard, various offences are registered against the applicant. So far invocation of GUJCTOC Act and application of the GUJCTOC Act is concerned, this Court, at this stage, has not entered into applicability of Section 2 (c) of "continuous illegal activity" on the part of present applicant. Considering the nature of the allegation and delay in the trial, present application is deserved consideration.

[6.0] Whether the present applicant is engaged in "organized crime" or member of the syndicate is a disputed question of the fact. However, while deciding the bail application for the offence under the GUJCTOC Act, Court is supposed to consider the provision of section 20 of the GUJCTOC Act and this Court is of considered view that to invoke the provisions of the GUJCTOC Act, following conditions are required to be fulfilled.

- (i) That such an activity should be prohibited by law for the time being in force;
- (ii) That such an activity is a cognizable offence punishable with imprisonment of three years or more;
- (iii) That such an activity is undertaken either singly or jointly, as a member of an organized crime syndicate or on behalf of such syndicate;
- (iv) That in respect of such an activity more than one charge-sheet must have been filed before a competent Court; and

- (v) That the charge-sheet must have been filed within a preceding period of ten years; and
- (vi) That the Courts have taken cognizance of such offences.

[7.0] 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.

[8.0] Herein, this Court has considered the provision of Section 20(4) of the GUJCTOC Act and rigors of said section. In this regard, reference is required to be made to the decision of the Hon'ble Supreme Court in the case of **Ranjitsingh Brahmajeetsingh Sharma vs. State** reported in (2005) 5 SCC 294 and **State of Gujarat vs. Sandip Omprakash Gupta** reported in 2022 SCC OnLine (SC) 1727. Since applicant is arrested in January 2026, trial will take its own time. Considering the long period of incarceration and also considering

the fact that obviously commencement and conclusion of trial will take its own time and therefore, considering the right to speedy justice as enshrined under Article 21 of the Constitution of India, in howsoever serious offence or under the special Act an accused is involved, on the ground of delay in trial, the accused is entitled to be released on bail without further discussing anything on merits, mainly on the ground of delay in trial, present applications deserve consideration. Further as the co-accused having similarly situated role are enlarged on regular bail and therefore, on the ground of parity also **(Rameshbhai Batubhai Dhabi Vs. State of Gujarat reported in 2011 (3) GLR 1999)**, present application deserves consideration.

[8.1] Further, the Hon'ble Supreme Court has consistently held that trials under the special law are unduly delayed and rigors of stringent bail provisions must yield to constitutional promise of liberty though under Section 20(4) of the GUJCTOC Act and under the special Act like NDPS Act pari materia provisions are there and stringent conditions while considering bail application is must, the Hon'ble Supreme Court is in favor of exercising the discretion in favor of the accused on the ground of delay in trial if same is not attributable to the accused.

[8.2] the Court has to consider the question of liberty of accused. In this regard, reference is required to be made to the decision of the Hon'ble Supreme Court in the case of **Satender Kumar Antil vs. CBI and Anr.** reported in **(2022) 10 SCC 51**, **Mohd Muslim @ Hussain vs. State (NCT of Delhi)** reported in **AIR 2023 SC 1648** and **Union of India vs. K.A. Najeeb** reported in **(2021) 3 SCC 713**. Further, in absence of any justification for prolonged

incarceration and delay in trial and in light of the settled proposition of law laid down by the Hon'ble Supreme Court in the case of **Siddhant vs. State of Maharashtra** reported in **2024 SCC OnLine (SC) 3798** and **Manish Sisodia v. Enforcement Directorate** reported in **2024 SCC OnLine (SC) 1920**, as the Hon'ble Supreme Court has observed that right to speedy trial is essential facet of Articles 19 and 21 of the Constitution of India, prolonged incarceration without trial amounts to preventive detention prior to adjudication without trial. In light of the above, this Court is of considered view that rigors of section 21 of the GUJCTOC Act stand deleted and hence, without further discussing anything on merits, mainly on the ground of delay in trial, present applications deserve consideration.

[9.0] Upshot, 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 applications deserve consideration.

[10.0] 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.11196013250230 of 2025 registered with State Monitoring Cell Police Station, District-Gandhinagar**, on executing a personal bond of Rs.1,00,000/- (Rupees One Lac only) with one solvent 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 & 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 to leave India without prior permission of the Trial Court concerned;
- (e) mark presence before the concerned police station once in a month for a period of six months between 11 a.m. and 2 p.m.;
- (f) furnish the 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 without prior permission of Trial Court;

- (g) if the applicant is found to be indulged in any illegal activities in future, the trial Court concerned will be free to issue warrant and cancel the bail granted to the applicant;
- (h) **shall not enter into Vadodara District** for a period of **SIX MONTHS** except for the purpose of marking presence before the concerned police station and/or appearing before the Court.

[11.0] 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.

[12.0] 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.

[13.0] 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.

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

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(HASMUKH D. SUTHAR,J)