

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CRIMINAL MISC.APPLICATION (FOR REGULAR BAIL - AFTER CHARGESHEET) NO. 14967 of 2026**

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ISHMAIL IBRAHIM RAVAT

Versus

STATE OF GUJARAT

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Appearance:

JAYDEEP H SINDHI(9585) for the Applicant(s) No. 1

MR HK PATEL, APP for the Respondent(s) No. 1

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CORAM:HONOURABLE MR. JUSTICE HASMUKH D. SUTHAR

Date : 03/08/2026

ORDER

- 1) **RULE.** Learned APP waives service of rule for the respondent-State.
- 2) 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.11822009251671 of 2025** registered with **Chikhli Police Station, District - Navsari** for the offences under Sections 316(2), 318(4), 336(2), 336(3), 338, 340(2), 341(1), 3(5), 61, 111(3) and 111(4) of the Bharatiya Nyaya Sanhita.
- 3) Learned advocate appearing on behalf of the applicant submits that applicant is innocent and has been falsely implicated in the offence and now nothing is required to be recovered or discovered. Investigation is over and chargesheet has been filed. Co-accused – Juber Memon is released on bail by this Court. The applicant has provided the rubber stamp to the co-accused and except this no role is attributed to the applicant. He therefore submits that, considering the nature of the offence, the applicant may be enlarged on regular bail by imposing suitable conditions.

- 4) 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 this is not a simple case as argued by the learned Advocate for the applicant and applicant has played an active role in the offence and has cheated the complainant in lieu of sale and purchase transactions of four different properties consideration of which amounts to Rs.1,51,98,000/- and after winning the trust of the complainant, received the amount and forged document came to be prepared by preparing the counterfeit seal of the office of Registrar and present applicant has played role as a broker. Hence, considering the role played by the applicant, he has requested to dismiss the present application for regular bail looking to the nature and gravity of the offence.
- 5) 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) I have heard the learned advocates appearing on behalf of the respective parties and perused the investigation papers. It appears that the present applicant is an accused and it is alleged that in furtherance of common intention of the co-accused, prepared a

fake agreement to sell by forging signature of original land owner and by using the said fabricated seal induced the complainant to part with amount of Rs.1,51,98,000/-. Further, it is alleged that the applicant has received rubber stamp and except receiving rubber stamp no role is attributed to the applicant as the applicant used to sit at the shop of the co-accused Dilip. The applicant has neither benefited nor put any signature in any forged document. Further, following aspects have been considered:

- (1) Applicant is behind the bars since 02.12.2025;
 - (2) The applicant is having five past antecedents, however, the accused is governed by presumption of innocence unless and until proved guilty;
 - (3) Investigation is over and charge-sheet is filed;
 - (4) There is nothing to be recovered or discovered from the applicant;
 - (5) None of the offence alleged is punishable with life sentence or death penalty and is triable by the Court of Magistrate;
 - (6) Obviously commencement and conclusion of trial will take some time.
 - (7) The prosecution has failed to point out any circumstance that requires further incarceration of the present applicant.;
- 7) 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) 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.11822009251671 of 2025** registered with **Chikhli Police Station, District - Navsari** 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;
- (a) shall not take undue advantage of liberty or misuse liberty;
 - (b) shall 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) shall surrender passport, if any, to the Trial Court within a week;
 - (d) shall not leave the territory of the State of Gujarat without prior permission of the Trial Court concerned;
 - (e) shall 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) shall furnish UIDAI number, contact number(s), Passport Number, if any, E-mail address and 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) shall not indulge in any illegal activity, failing which the learned trial Court shall issue warrant and cancel the bail

of the applicant.

- 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 Judge concerned will be free to issue warrant or 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 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) Rule is made absolute to the aforesaid extent. Direct service is permitted.

ANKIT JANSARI

(HASMUKH D. SUTHAR,J)