

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/CRIMINAL MISC.APPLICATION (FOR REGULAR BAIL - AFTER
CHARGESHEET) NO. 16231 of 2026**

=====

HARSHADBHAI RAMJIBHAI LAKUM

Versus
STATE OF GUJARAT

=====

Appearance:

TAHIR S SAIYED(8983) for the Applicant(s) No. 1

MR KRUTIK PARIKH, APP for the Respondent(s) No. 1

=====

CORAM:**HONOURABLE MR. JUSTICE HASMUKH D. SUTHAR**

Date : 17/08/2026

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. 11211045250652 of 2025** registered with **Sayla Police Station, Surendranagar**, for the offences under Sections 318(4), 316(2), 317(2), 317(4) and 54 of the BNS.

[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 used to people to withdraw the amount and in turn he handed over the amount to the co-accused and helped the accused persons and also applicant is having similar nature of two past antecedents. Considering the gravity of offence, no case is made out to entertain thep

present bail application. Therefore, the 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) The applicant is behind bars since 02.01.2026;
- (3) There is nothing to be recovered or discovered from the applicant;
- (4) none of the offences alleged is punishable with life imprisonment or death penalty;
- (5) If the entire record and evidence are perused, it appears that the role attributed to the present applicant is that he transferred the alleged amount to the savings bank account of one witness, namely, Hareshbhai Ravjibhai Vaghela, who stated that, at the instance of the present applicant, he withdrew the amount and, in turn, handed it over to the co-accused, Meghraj. Except for playing the role of a

middleman, no other role is attributed to the present applicant. No money trail has been found, nor has any mule account belonging to the present applicant been used.

(6) There is no an iota of evidence to show that the present applicant received any monetary benefit or commission for facilitating the co-accused;

(7) Obviously, commencement and conclusion of trial will take its own time;

(8) two past antecedents are registered against him, but until and unless offence is proved is governed by the presumption of innocence;

(9) considering the aforesaid fact, the present application deserves consideration;

[7.0] This Court has also taken into consideration the law laid down by the Hon'ble Apex Court in ***Sanjay Chandra vs. Central Bureau of Investigation reported in [2012] 1 SCC 40*** as well as in ***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 bars amounts to pre-trial conviction. Therefore, considering the settled principle of bail jurisprudence that "bail is a rule and jail is an exception" as well as the concept of personal liberty guaranteed under Article 21 of the Constitution of India, the present application deserves consideration.

[8.0] In the facts and circumstances of the case and considering the nature of 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 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. 11211045250652 of**

2025 registered with **Sayla Police Station, Surendranagar**, on executing a personal bond of Rs.25,000/- with one surety of the like amount to the satisfaction of the trial Court and subject to the following conditions:

- (a) not take undue advantage of liberty or misuse liberty;
- (b) not act in a manner injurious to the interest of the prosecution and shall not obstruct or hamper the investigation or tamper with evidence;
- (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;
- (e) mark presence before the concerned Police Station once every month for six months between 11.00 a.m. and 2.00 p.m.;
- (f) furnish Aadhaar card, email ID and residential address to the Investigating Officer and Court at the time of execution of bond and shall not change residence or contact details without permission of the Trial Court;

[9.0] The authorities will release the applicant only if he is not required in connection with any other offence. If breach of any condition is committed, the Sessions Judge concerned shall be free to issue warrant or take appropriate action.

[10.0] Bail bond shall be executed before the lower Court having jurisdiction to try the case. It shall be open for the concerned Court to delete, modify or relax conditions in accordance with law.

[11.0] At the trial, the Trial Court shall not be influenced by the prima facie observations 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)