

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CRIMINAL MISC.APPLICATION (FOR SUCCESSIVE REGULAR BAIL -
AFTER CHARGESHEET) NO. 19755 of 2025**

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PRASHANT PRAKASH VAZIRANI

Versus

STATE OF GUJARAT

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Appearance:

MR. J.M. PANCHAL, LEARNED SENIOR ADVOCATE WITH MR AJJ H
MURJANI(13356) for the Applicant(s) No. 1MR. HARDIK DAVE, LEARNED PUBLIC PROSECUTOR WITH MR. HARDIK
SONI, ADDITIONAL PUBLIC PROSECUTOR for the Respondent(s) No. 1

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CORAM:HONOURABLE MR. JUSTICE M. R. MENGDEY**Date : 08/12/2025****ORAL ORDER**

1. The applicant has filed this application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 for enlarging the applicant on regular bail in connection with FIR being CR. No.11191020240478 of 2024 registered with Vastrapur Police Station, Ahmedabad city.

2. Rule. Learned APP waives service of notice of Rule on behalf of the Respondent – State.

3. Heard learned Senior Advocate Mr. J.M. Panchal appearing with learned Advocate Mr. Ajj H. Murjani for the applicant. He submitted that as per the case of prosecution, this is the case of conspiracy being hatched by the present applicant along with the other co-accused for committing the present offence. However, the other co-conspirators to the present applicant have been considered for grant of bail by this Court after the dismissal of the earlier application filed by the present applicant. The applicant herein was a visiting

Cardiologist with the Khyati Hospital who was arrested on 13.11.2024. Till date, the charge has not been framed against the applicant or any other co-accused. He submitted that immediately after the death of two patients, the news items were published in the media and despite the same, the applicant did not abscond which shows the tendency on the part of the applicant in not absconding. Therefore, there is no place for any apprehension that if the applicant is considered for grant of bail at this stage, he would abscond. The case of the prosecution rests upon documentary evidences which have already been recovered by the Investigating agency during the course of investigation, and therefore, there is no scope of any tempering at the hands of the applicant. The applicant herein was not responsible for holding a medical camp at village Borisana nor was he present at any such camp. Thus, there was no direct contact between the applicant and any of the patients. The act of recording wrong history of the patients, is not attributable to the present applicant. The history of the patients was recorded by the Dr. Minal on 10.11.2024 and it is not the case of prosecution that the history recorded by the Dr. Minal was not correct. However, subsequently some manipulation was found to have been made in the history of the patients recorded at medical camp. He further submitted that the procedure of Angiography and Angioplasty was conducted by the present applicant upon the patients in question only after the approval was received from the Government for performance of the said procedure. If the approval granted by the Government machinery was not proper, the doctors who granted the said approval are also required to be prosecuted. However, no investigation in that regard has been carried by the Investigating agency. He further submitted that more than 84 persons have attended the medical camp at village Borisana, out of the which only 19 patients were brought to Khyati hospital and out of 19, only 6 patients had undergone the procedure of Angiography and Angioplasty at the Khyati hospital. Had there been any intention on the part of the applicant of making more money, the applicant and

the other co-accused would have made all the 84 persons who had attended such camp, undergo such procedure. These facts indicates that no compulsion was made to the patients to undergo any such procedure. He also submitted that the material collected during the course of investigation, does not make out any prima-facie case against the present applicant. Moreover, no case for an offence punishable under Sections 105 and 106 of BNS, 2023 has been made out against the present applicant. He, therefore, submitted to allow the present application and enlarge the applicant on bail subject to suitable conditions.

4. Per contra, learned Public Prosecutor Mr. Hardik Dave has opposed the present application contending that the present applicant had earlier preferred an application being CRMA No.6649 of 2025 which was dismissed by this Court vide order dated 08.05.2025 by a detailed reasons order. Thereafter, the applicant had approached the Hon'ble Apex Court against the said order and proceedings before the Hon'ble Apex Court were also withdrawn by the applicant with a view to approach this Court again. After the dismissal of the earlier application filed by the applicant, there is no change in circumstances, and therefore, the present successive application is not maintainable. He further submitted that this Court while considering the earlier application filed by the applicant, had detailed examining the investigation papers and this Court had also referred the statements of relevant witnesses while dismissing the earlier application filed by the applicant. The allegations levelled against the applicant are serious in nature, and therefore, the aspect of delay in trial would also be of no help to the present applicant. He, therefore, submitted to dismiss the application

5. Heard learned Advocates for the parties and perused the record. In the present offence, the investigation is over and charge-sheet has been filed. At the outset, it is required to be noted that the applicant had earlier preferred CRMA

No.6649 of 2025 which was dismissed by this Court vide order dated 08.05.2025. While dismissing the said application, this Court had given its reasons in detail. Against the said order, the applicant had approached the Hon'ble Apex Court by petition for filing Special Leave to Appeal (Criminal) No.8123 of 2025. The said proceedings came to be withdrawn by the applicant from the Hon'ble Apex Court with liberty to apply before the High Court again and thus, the present successive application is filed by the applicant. The applicant has been arrested in connection with the present offence on 13.11.2024 and since then he is in custody. As informed by learned Public Prosecutor, the matter before the learned Trial Court is still at the stage of framing of charge. The prosecution has cited as many as 120 witnesses in the charge-sheet. Having regard to these facts, the possibility of commencement and conclusion of trial in the near future is very weak. Having regard to these aspects, the present application deserves consideration, hence the present application is hereby allowed. This Court has also considered the following aspects:

- (a) As per catena of decisions of Hon'ble Supreme Court, there are mainly 3 factors which are required to be considered by this court i.e. prima-facie case, availability of Applicant accused at the time of trial and tampering and hampering with the witnesses by the accused.
- (b) That the learned Advocate for the Applicant has submitted that the Applicant Accused is not likely to flee away.
- (c) That the Applicant is in custody since 13.11.2024.
- (d) The law laid down by the Hon'ble Apex Court in the case of **Sanjay Chandra v. C.B.I.** reported in **(2012) 1 SCC 40**.

6. Having heard the learned Advocates for the parties and perusing the record produced in this case as well as taking into consideration the facts of the case, nature of allegations, gravity of accusation, availability of the applicant accused at the time of Trial etc. and the role attributed to the present applicant accused, the present application deserves to be allowed and accordingly stands allowed. This Court has also gone through the FIR and police papers and also the earlier order passed by the learned Sessions Court where the learned Sessions Judge has disallowed the bail Application at initial stage. The applicant accused is ordered to be released on bail in connection with the aforesaid FIR on executing a personal bond of Rs.10,000/- with one surety of the like amount to the satisfaction of the trial Court, subject to the following conditions that he shall:

- (a) not directly or indirectly make any inducement, threat or promise to any person acquainted with the fact of the case so as to dissuade him from disclosing such facts to the Court or any Police Officer or tamper with the evidence;
- (b) maintain law and order and not to indulge in any criminal activities;
- (c) furnish the documentary proof of complete, correct and present address of residence to the Investigating Officer and to the Trial Court at the time of executing the bond and shall not change the residence without prior permission of the trial Court;
- (d) provide contact numbers as well as the contact numbers of the sureties before the Trial Court. In case of change in such numbers inform in writing immediately to the trial Court;

- (e) mark presence before the concerned Police Station once every month between 11:00 a.m. and 2.00 pm;
- (f) file an affidavit stating his immovable properties whether self acquired or ancestral with description, location and present value of such properties before the Trial Court, if any;
- (g) not leave India without prior permission of the Trial Court;
- (h) surrender passport, if any, to the Trial Court within a week. If the applicant does not possess passport, shall file an Affidavit to that effect.

7. Bail bond to be executed before the Trial Court having jurisdiction to try the case. It would be open for the Trial Court concerned to give time to furnish the solvency certificate if prayed for.

8. If breach of any of the above conditions is committed, the Trial Court concerned will be free to issue warrant or take appropriate action according to law. The Authorities will release the Applicant forthwith only if the Applicant is not required in connection with any other offence for the time being.

9. At the trial, the concerned trial Court shall not be influenced by the prima-facie observations made by this Court in the present order.

10. Rule is made absolute. Direct service permitted.

(M. R. MENGDEY,J)

RAVI OZA

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: RAVI OZA(HCW0111), ENGLISH STENOGRAPHER GRADE I, at High Court of Gujarat on 09/12/2025 15:04:29