

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

**R/CRIMINAL MISC.APPLICATION (FOR REGULAR BAIL - AFTER
CHARGESHEET) NO. 24584 of 2025**

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ARSHAD @ AMAN MAHESARALI PATHAN
Versus
STATE OF GUJARAT

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Appearance:
MR. MOHAMMADMAAZ S. SHAIKH(19130) for the Applicant(s) No. 1
MS JIRGA JHAVERI, APP for the Respondent(s) No. 1

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**CORAM:HONOURABLE MR.JUSTICE UTKARSH THAKORBHAI
DESAI**

Date : 09/04/2026

ORAL ORDER

1. Heard learned advocate Mr. M. S. Shaikh for the applicant and learned APP Ms. Jirga Jhaveri for the respondent-State.

2. 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 C.R. No.I-11197005250565/2025 registered with Vadodara Taluka Police Station, Dist. Vadodara, for the offences punishable under Sections 316(2), 318, 336(2), 336(3), 338, 179, 111(3), 61(2) of Bhartiya Nyay Sanhita.

3. Learned advocate for the applicant would submit that considering the role attributed to the applicant and nature of allegation levelled, the applicant may be enlarged on regular bail. It is submitted that since the charge-sheet is filed, no useful purpose would be served by keeping the applicant in jail for indefinite period. It is further contended that the applicant is ready and willing to abide by all the conditions that may be imposed by this Court, if released on bail.

4. As against the same, learned APP appearing for the respondent – State has vehemently objected to the grant of regular bail. Learned APP has submitted that looking to the nature of offence and the role attributed to the present applicant as coming out from the charge-sheet, this Court may not exercise the discretion in favour of the applicant and the application may be dismissed.

5. Learned Advocates for the parties do not press for reasoned order.

6. I have heard learned advocates appearing on behalf of the respective parties and perused the papers. Following

aspects are considered:-

- (i) The role attributed to the present applicant being of collecting accounts from various account holders and giving details to the co-accused Mr. Anthony.
- (ii) It would appear in this regard that even after the charge-sheet having been laid, the only material against the applicant as of now, is his own statement, which obviously is not part of the charge-sheet.
- (iii) The Investigating Officer not having been able to apprehend co-accused Mr. Anthony till today, leading to a speculation that, probably the said person might be a fictitious person.

This Court has taken into consideration the law laid down by the Hon'ble Apex Court in the case of **Sanjay Chandra v. Central Bureau of Investigation** reported in [2012] 1 SCC 40.

7. In the facts and circumstances of the case and considering the nature of the allegations made in the First Information Report, 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.

8. Hence, the present application is allowed. The applicant is ordered to be released on bail in connection with F.I.R. being C.R. No.I-11197005250565/2025 registered with Vadodara Taluka Police Station, Dist. Vadodara, on executing a 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 shall;

[a] not take undue advantage of liberty or misuse liberty;

[b] not act in a manner injurious to the interest of the prosecution;

[c] surrender passport, if any, to the lower court within a week, and if he does not possess a passport, file an affidavit to that effect;

[d] not leave the State of Gujarat without prior permission of the Trial Court concerned;

[e] mark presence once a week before the

concerned police station till the completion of the trial.

[f] furnish the present address of residence to the I.O. and also to the Court at the time of execution of the bond and shall not change the residential address without prior intimation to the Investigating Officer.

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 Court concerned will be free to 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 stage of trial, the trial court shall not be influenced by any observations of this Court which are of preliminary nature made at this stage, only for the purpose of considering the application of the applicant for

being released on regular bail.

12. The application is allowed in the aforesaid terms. Rule is made absolute to the aforesaid extent. Direct service is permitted.

MAYA

(UTKARSH THAKORBHAI DESAI, J)