

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CRIMINAL MISC.APPLICATION (FOR SUCCESSIVE REGULAR BAIL -
AFTER CHARGESHEET) NO. 27534 of 2025**

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SANGRAMSING HARIVILASSINH KUSHVAHA
Versus
STATE OF GUJARAT

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Appearance:

MR SM DERASARI(5321) for the Applicant(s) No. 1
SURESH M CHAUDHARY(9938) for the Applicant(s) No. 1
MR NIRAJ SHARMA ADDL. PUBLIC PROSECUTOR for the Respondent(s)
No. 1

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CORAM:HONOURABLE MR. JUSTICE NIKHIL S. KARIEL**Date : 27/01/2026****ORAL ORDER**

1. Heard learned advocate Mr. Sanjay Prajapati appearing on behalf of the applicant and learned Additional Public Prosecutor Mr. Niraj Sharma appearing on behalf of the respondent-State.
2. Rule. Learned APP waives service of rule on behalf of the respondent-State.
3. 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. 11191042250088 of 2025 registered with Satellite Police Station, Ahmedabad, for the offence punishable under Sections 316(2), 318(4), 336(3), 338 and 340(2) of the BNS.
4. Learned advocate for the applicant would submit that considering the role attributed to the applicant, and nature of the allegation levelled, the applicant may be enlarged on regular bail. It is further 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.

5. As against the same, learned Additional Public Prosecutor 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.

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

- (i) The allegations being of having promised the complainant and other witnesses to get VISA in various foreign countries and whereas after having taken substantial amount, not provided the same.
- (ii) The fact of the applicant having did certain processes and whereas prima facie, it would appear that except for the allegation that the applicant had guaranteed that the VISA would be obtained, it does not appear that the present is a case of large scale fraud.
- (iii) It would also appear that of the two witnesses, one of witnesses named Prachi, appears to have filed an FIR with the selfsame allegations in Surat and whereas the applicant appears to have been enlarged on bail with regard to the said offence.
- (vi) The fact of the applicant having shown his bona fide by coming with a Demand Draft of Rs.10 Lakhs and an undertaking to

deposit a further amount of Rs.10 Lakhs within a period of six months.

- (v) The fact of the applicant being in custody since 07.05.2025 and charge-sheet having been filed.
- (vi) While the applicant having three antecedents, one of the antecedent is with regard to the complaint filed with regard to very selfsame transaction and the applicant having been released on bail with regard to other two offences.

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 against the applicant 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. registered as C.R. No.11191042250088 of 2025 registered with Satellite Police Station, Ahmedabad, 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;
- [d] not leave the State of Gujarat without prior permission of the

Sessions Court concerned;

- [e] 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 residence without prior intimation to the I.O.;
- [f] mark presence once a month for a period of one year before the concerned police station.
- (g) deposit the Demand Draft with the learned trial Court forthwith i.e. as a precondition of his release.
- (h) file an undertaking with regard to depositing the remaining amount of Rs.10 Lakhs within a period of six months from his release.
- (i) abide by undertaking and any violation of the undertaking would result in appropriate steps to be taken by the learned trial Court. Learned trial Court to decide as regards the appropriation of the amount at the end of the trial.

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.

Y.N. VYAS

(NIKHIL S. KARIEL,J)