IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/CRIMINAL MISC.APPLICATION (FOR SUCCESSIVE REGULAR BAIL - AFTER CHARGESHEET) NO. 24767 of 2025

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IRFAN ALIBHAI SUMRA (IRFAN ALIBHAI SUMRA JATE SANDHI. MUSLIM)

Versus

STATE OF GUJARAT

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Appearance:
MR S D MOGHARIYA(11273) for the Applicant(s) No. 1
MR. UTKARSH SHARMA, APP for the Respondent(s) No. 1

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CORAM:**HONOURABLE MR. JUSTICE M. R. MENGDEY**

Date : 23/12/2025

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.11189003231769 of 2023 registered with 'A' Division Morbi City Police Station, Morbi.

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

3. Learned Advocate appearing for the applicant has submitted that the applicant has good reputation in the society and 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. Per contra, learned APP has opposed the present application contending that the prosecutrix in her recorded under Section 183 of BNSS, 2023 has

categorically the role played by the present applicant in commission of the offence in question. He further submitted that the applicant is having 8 other antecedents. Learned APP has, therefore, submitted that looking to the nature of offence, this Court may not exercise the discretion in favour of the applicant and the application may be dismissed.

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. The applicant had earlier preferred Criminal Misc. Application No.11517 of 2024 which was allowed to be withdrawn by this Court vide order dated 26.06.2024. Thereafter, the present successive application has been filed by the applicant. The applicant has been arrested in connection with the present offence on 03.11.2023. This Court had therefore asked the learned Trial Court to submit its report as regards the status of trial vide order dated 04.12.2025. The report so submitted by the learned Trial Court indicates that though the charge has been framed against the applicant in the month of July 2024, till date not a single witness has been examined. 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 03.11.2023.

(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 in a month for a period of six months 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;

(i) not enter the districts of Morbi and Surendranagar till the conclusion of trial except for attending the trial or marking his presence before the concerned Police Station.

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 24/12/2025 10:59:05