IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/CRIMINAL MISC.APPLICATION (FOR REGULAR BAIL - AFTER CHARGESHEET)
NO. 25196 of 2026

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MOHAMMED HAYAAN ALIAS MANDU IMTIYAZ AHEMAD
Versus
STATE OF GUJARAT

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Appearance:
MR BHARATKUMAR H OZA(12150) for the Applicant(s) No. 1
MR JIGAR B OZA(11654) for the Applicant(s) No. 1
MS SHRUTI PATHAK, APP for the Respondent(s) No. 1

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

Date : 26/10/2026
ORDER

1. **RULE.** Learned APP waives service of rule for the respondent-State.

2. The present application is filed under Section 483 of the Bharatiya Nyaya Suraksha Sanhita, 2023 (for short "BNSS") for regular bail in connection with FIR being **C.R. NO. 11191032230650 of 2023** registered **with Maninagar Police Station, Ahmedabad,** for the offences punishable under Sections 379(a)(3), and 114 of the Penal Code, 1860 (for short "IPC").

3. Learned advocate appearing on behalf of the applicant submits that the applicant has nothing to do with the offence and has been falsely implicated therein. The applicant was released on bail by an order dated 22.02.2024 passed by the Coordinate Bench of this Court in Criminal Misc. Application No. 3559 of 2024. However, due to a breach of the bail conditions, the applicant was arrested and sent back to jail. It is further submitted that, considering the nature of the offence, the applicant may be enlarged on regular bail by imposing suitable conditions.

4. Learned APP appearing on behalf of the respondent-State has opposed grant of regular bail looking to the nature and gravity of the offence. It is further submitted that the applicant is directly involved in the offence and previously breached the conditions imposed by the trial court when he was granted bail. Therefore, the present application may be dismissed.

5. 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. Having heard the learned advocates for the respective parties and having perused the papers on record, it appears that the charge-sheet has been filed. Earlier, the applicant was released on bail by an order dated 22.02.2024 passed by the

Coordinate Bench of this Court in Criminal Misc. Application No. 3559 of 2024. However, due to breach of the conditions of bail, a non-bailable warrant was issued against him, and he was arrested and sent back to jail. However, the applicant now assures this Court that he will regularly attend court proceedings, cooperate in the disposal of the case, and is ready and willing to abide by all conditions imposed by the Court.

7. This Court has also taken into consideration the law laid down by the Hon'ble Apex Court in the case of **Sanjay Chandra vs. Central Bureau of Investigation** reported in **[2012]1 SCC 40** as well as in the case of **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 the bars is nothing but amounts to pre-trial conviction and therefore, considering the celebrated principle of bail jurisprudence is that *"bail is a rule and jail is exception"* as well as the concept of personal liberty guaranteed under Article 21 of the Constitution of India, present application deserves consideration.

8. In the facts and circumstances of the case and considering the nature of the 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 the 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. 11191032230650 of 2023 registered with Maninagar Police Station, Ahmedabad,** on executing a personal bond of

Rs.25,000/- (Rupees Twenty-five Thousand only) with one surety of the like amount to the satisfaction of the trial Court 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 & shall not obstruct or hamper the police investigation and shall not to play mischief with the evidence collected or yet to be collected by the police;

(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 concerned;

(e) mark presence before the concerned Police Station on every fifteen days for a period of six months between 11.00 a.m. and 2.00 p.m.;

(f) furnish the UIDAI Number, Contact Number/s, Passport Number (if he is having the passport), E-mail address and present address of his residence to the Investigating Officer and also to the Court at the time of execution of the bond and shall not change the residence without prior permission of Trial Court;

(g) not indulge in any illegal activity or any similar type of offence. If the applicant is found in any illegal activity or any similar type of activity, then, concerned Investigating Officer shall have liberty to file an application for cancellation of bail against the present applicant.

In case of breach of any conditions, the concerned Trial Court shall have liberty to cancel the bail of the present applicant;

(h) The applicant shall regularly attend the court proceedings without fail. In the event that he is unable to remain present before the trial Court on any date, he

shall ensure that his presence is marked through his advocate. The applicant shall not dispute any order passed by the Court in his absence.

(i) The trial Court shall be at liberty to impose any condition deemed necessary for securing the presence of the applicant during 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 Judge concerned will be free to issue warrant or 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 trial, the trial Court shall not be influenced by the observations of preliminary nature qua the evidence at this stage made by this Court while enlarging the applicant on bail.

12. Rule is made absolute to the aforesaid extent. Direct service is permitted.

(HASMUKH D. SUTHAR,J)

ALI

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: ISTAYAK ALI(HC01093), PRIVATE SECRETARY, at High Court of Gujarat on 27/10/2026 10:44:58