

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CRIMINAL MISC.APPLICATION (FOR REGULAR BAIL - AFTER
CHARGESHEET) NO. 27169 of 2025**

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BIPLOB S/O NIHAR RANJAN HALDAR

Versus

STATE OF GUJARAT

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Appearance:

MR. ASHOK L. CHAUHAN(14049) for the Applicant(s) No. 1

MR. NILAY THAKOR(14166) for the Applicant(s) No. 1

MR JAY MEHTA ADDITIONAL PUBLIC PROSECUTOR for the Respondent(s)
No. 1

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CORAM:HONOURABLE MR. JUSTICE NIKHIL S. KARIEL

Date : 24/12/2025

ORAL ORDER

1. Heard learned Advocate Mr. Nilay Thakor on behalf of the applicant and learned Additional Public Prosecutor Mr. Jay Mehta on behalf of the respondent-State.

2. **Rule.** Learned APP waives service of rule on behalf of the respondent-State.

3. The present applicant who has been arraigned as an accused has preferred 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. 11191046250196 of 2025 registered with Airport Police Station, Ahmedabad** for offence punishable under Sections 319(2), 336(2), 338, 336(3), 340(2) and 54 of the Bharatiya Nyaya Sanhita, 2023 and Section 12(2) of the Passport Act, 1967 after filing of the charge-sheet.

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. This Court has heard learned Advocates for the respective parties and perused the FIR including charge-sheet papers as well as passed by learned Session Court as well as affidavit filed by the investigating officer before the learned Trial Court.

7. 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**.

8. This Court has also considered the following aspects:

- (i) The allegation against the present applicant being of having committed offence punishable under Sections 319(2),

336(2), 338, 336(3), 340(2) and 54 of the Bharatiya Nyaya Sanhita, 2023 and whereas it would appear that the allegation against the present applicant predominantly being that he is not an Indian Citizen.

(ii) It would appear in this regard that the applicant held Indian Passport, which was not stated to be forged and whereas the allegation further being levelled is that the parents of the applicant were Bangladeshi Nationals and whereas inspite of the same a birth certificate of the present applicant born in India more particularly in Kalyani Municipality had been obtained by the applicant.

(iii) Be that as it may, to this Court it would appear that as of now, there are certain documents, based upon which the present applicant has prima facie established his identity as Indian Citizen and got a passport issued by the competent authority and whereas considering that the applicant is in custody since 27.05.2025 and the passport itself having been seized by the police authorities, to this Court there would no further requirement to keep the present applicant in custody.

9. 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.

10. Hence, the present application is allowed. The applicant is ordered to be released on bail in connection with FIR being **C.R. No. 11191046250196 of 2025 registered with Airport Police Station, Ahmedabad** on executing a bond of Rs.10,000/- (Rupees Ten 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 territory of India without prior permission of the Sessions Court concerned;

[e] Mark his presence at the concerned Police Station once in a month for a period of six months.

[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 I.O.

11. 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 take appropriate action in the matter.

12. 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.

13. 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.

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

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(NIKHIL S. KARIEL,J)