



ITEM NO.23

COURT NO.2

SECTION II-B

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Crl.) No(s).4541/2025

[Arising out of impugned final judgment and order dated 27-01-2025 in CRMA No.17337/2024 passed by the High Court of Gujarat at Ahmedabad]

SULTANKHAN SHAHIDKHAN @ MAJIDKHAN @ MASADKHAN PATHAN Petitioner(s)

VERSUS

THE STATE OF GUJARAT

Respondent(s)

IA No. 76908/2025 - EXEMPTION FROM FILING O.T.

Date : 29-05-2025 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SURYA KANT
HON'BLE MR. JUSTICE DIPANKAR DATTA

For Petitioner(s) Mr. Somesh Chandra Jha, AOR
Mr. Rahul Narang, Adv.
Mr. Salim M. Saiyed, Adv.

For Respondent(s) Ms. Swati Ghildiyal, AOR
Ms. Neha Singh, Adv.

UPON hearing the counsel the Court made the following
O R D E R

1. The petitioner seeks his enlargement on bail in connection with F.I.R. bearing C.R. No.11191028201766 of 2020, registered at Vejalpur Police Station, District Ahmedabad City for the offences punishable under Sections 3(1)(1), 3(1)(2), 3(2), 3(3), 3(4), 3(5) of the Gujarat Control of Terrorism and Organized Crime Act, 2015.

2. The precise case of the prosecution is that the

petitioner is a hardened criminal, who is involved in multiple cases and 16 FIRs have been registered against him in the preceding 10 years. He is alleged to be the main conspirator, who committed various offences by forming an organized syndicate allegedly in the preceding 10 years in conspiracy with his co-accused, who are his associates and part of the syndicate.

3. The petitioner was arrested on 25.11.2020. The chargesheet was filed on 05.04.2021. The prosecution identified 133 witnesses to be examined. Meanwhile, the petitioner was granted interim bail by the Trial Court for ten days on 01.05.2023. He brazenly misused the concession of that interim bail and absconded. He was eventually re-arrested on 04.01.2024. In this manner, the petitioner has spent more than three years and six months in custody.

4. Learned counsel for the respondent-State fairly concedes that the petitioner's co-accused have been released on bail. She, however, vehemently opposes the petitioner's prayer for bail primarily on the ground that he has misused the concession of bail and 16 FIRs have already been registered against him. No sooner the Trial Court granted him interim bail, the petitioner fled and was apprehended later on, as noticed above.

5. We have considered the rival submissions and carefully perused the material placed on record.

6. During the course of hearing, we have been informed that out of 133 witnesses, only one has been examined so far. The conclusion of trial will, thus, take some reasonable time. The petitioner has already spent more than three years and six months in custody for an offence for which the minimum sentence is five years and the maximum sentence is life imprisonment. The petitioner's co-accused are also on bail.

7. With a view to ensure that the petitioner does not misuse the concession of bail, we deem it appropriate to release him on bail, subject to such terms and conditions as may be imposed by the Trial Court. In addition, there shall be the following conditions:

(i) The petitioner shall disclose the place of his

residence to the Trial Court as well as to the jurisdictional police station.

(ii) The petitioner shall deposit his passport with the Trial Court forthwith.

(iii) The petitioner shall visit the jurisdictional police station once every week to enable the Police Authorities to verify the antecedents.

(iv) The petitioner shall not make any direct or indirect attempt to contact or influence the prosecution witnesses and any attempt made in this regard shall be taken as a misuse of the concession of bail.

(v) The petitioner as well as his co-accused - all are directed to remain present before the Trial Court on each and every date of hearing. Their counsel shall give an undertaking to the Trial Court to extend full cooperation for expeditious conclusion of the trial. If the petitioner, his co-accused or their counsel fail to honour the undertaking, the same shall also be taken as a grave instance of misuse of concession of bail.

(vi) Still further, if the petitioner absconds, we direct the Trial Court to continue with the trial and all the witnesses shall be examined in his absence or in the absence of his counsel. No plea based upon the statutory obligation to hear the accused shall be allowed to be taken by the petitioner and the Trial Court shall be well within its right to proceed and take the trial to its logical conclusion.

It is ordered accordingly.

8. The Special Leave Petition stands disposed of on the aforesaid terms.

9. As a result, the pending interlocutory applications also stand closed.

(SATISH KUMAR YADAV)
ADDITIONAL REGISTRAR

(PREETHI T.C.)
ASSISTANT REGISTRAR

