

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CRIMINAL MISC.APPLICATION (FOR SUCCESSIVE REGULAR BAIL -
AFTER CHARGESHEET) NO. 27701 of 2025****With****R/CRIMINAL MISC.APPLICATION NO. 27306 of 2025**

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AKIB HUSEN AASIK HUSEN SAIYED

Versus

STATE OF GUJARAT

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Appearance:

MR AKASHKUMAR H PATEL(12877) for the Applicant(s) No. 1

MR LB DABHI, ADDL. PUBLIC PROSECUTOR for the Respondent(s) No. 1

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CORAM:HONOURABLE MR. JUSTICE NIKHIL S. KARIEL**Date : 06/01/2026****ORAL ORDER**

1. Heard learned advocate Mr.Akash H.Patel and learned advocate Mr.Rafik Lokhandwala appearing on behalf of the applicants and learned Additional Public Prosecutor L.B.Dabhi appearing on behalf of the respondent-State.

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

3. The applicants have filed these applications under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 for enlarging the applicants on Regular Bail in connection with FIR being C.R. No. 11210062250046/2025 registered with Cyber Crime Police Station, Surat City for the offence

punishable under Sections 318(4), 127, 143(3), 61(2), 3(5) of the BNS and Sections 66(D), 84(B) of the I.T.Act.

4. Learned advocates for the applicants would submit that considering the role attributed to the applicants, and nature of the allegation levelled, the applicants 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 applicants in jail for indefinite period. It is further contended that the applicants are 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 applicants as coming out from the charge-sheet, this Court may not exercise the discretion in favour of the applicants and the applications 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. While the crime alleged is very serious inasmuch as Indian citizens were allured with an offer of job paying around Rs.70,000/- to Rs.75,000/- per month in Myanmar and whereas, upon crossing over to the said country from Thailand, they were being held as cyber slaves, yet, insofar as the role attributed to the present applicants, to this Court, it would appear that the present applicants were only small time players who had attempted to get a good employment for their friends.

ii. The affidavit of the Investigating Officer, which is a summary of the charge-sheet, would reflect that the applicant of Cr.M.A. No.27701/2025 - Akib Husen had been informed by the applicant of the other application being Cr.M.A. No.27306/2025 - Danish, that he had been contacted by one person named Alfaz who had given him a number of Chinese agent who was to be contacted if any person wanted employment in Myanmar where the salary would be around Rs.70,000/- per month.

iii. It would appear that accused - Danish had informed

accused - Akib who happened to be his friend that if there are any persons looking out for employment, he may inform Danish.

iv. It would appear that accused - Akib had contacted his friend Sahil and Sahil had, in turn, contacted Amin who wanted employment and through accused - Akib they had contacted Danish and Danish had contacted the Chinese agent and whereas, the air ticket etc. were sent to the persons who wanted employment through the present applicants.

v. While it would appear that the applicants had received commission of Rs.43,000/- i.e. Rs.21,500/- each for accused - Akib and commission of approximately Rs.28,500/- per person for accused - Danish.

vi. It would appear that beyond the same role, the present applicants did not have any further role to play in the entire conspiracy and whereas, to this Court, it would appear that while the actions of the present applicants may have led to the persons who have been sent over for employment to be held as cyber slave in a foreign country for a considerable long period of time, yet, prima facie, it would appear that

the actions of the applicants appear to be bonafide, more particularly, without knowing the consequences.

vii. Considering such a situation, more particularly, since the charge-sheet is filed, to this Court, it would appear that not releasing the present applicants at this stage would almost amount to pre-trial punishment. Hence, this Court is inclined to consider these applications.

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 applicants 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 applicants on regular bail.

8. Hence, the present applications are allowed. The applicants are ordered to be released on bail in connection with F.I.R. registered as C.R. No. 11210062250046/2025

registered with Cyber Crime Police Station, Surat City, on executing a bond of Rs.50,000/- (Rupees Fifty Thousand only) each with one surety of the like amount each to the satisfaction of the trial Court and subject to the conditions that they 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 six months before the concerned police station.

9. The Authorities will release the applicants only if they are 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 applications of the applicants for being released on regular bail.

12. The applications are allowed in the aforesaid terms. Rule is made absolute to the aforesaid extent. Direct service is permitted.

Bhoomi

(NIKHIL S. KARIEL,J)