

IN THE SUPREME COURT OF INDIA  
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. \_\_\_\_\_ OF 2025  
(arising out of SLP(Crl.) No. \_\_\_\_\_ of 2025)  
(@ Diary No. 22961/2025)

ASHISH NAVALKUMAR SUREKA . . . . . APPELLANT(S)

VERSUS

STATE OF GUJARAT . . . . . RESPONDENT(S)

with

CRIMINAL APPEAL NO. \_\_\_\_\_ OF 2025  
(arising out of SLP(Crl.) No. \_\_\_\_\_ of 2025)  
(@ Diary No. 25390/2025)

**O R D E R**

Delay condoned.

Leave granted.

Though the learned counsel for the appellant, having argued for considerable time, sought leave to withdraw these cases, we are of the opinion a decision on merits is warranted, given the telling facts that speak for themselves.

The grievance of the appellant, Ashish Navalkumar Sureka, in these matters was that the High Court imposed an onerous condition at the time he was granted regular bail in connection with two separate criminal cases. Perusal of the impugned orders passed by the High Court reflect that the learned Advocate who appeared on behalf of the appellant stated before the Court that the appellant was ready and willing to deposit a sum of ₹50,00,000/- (Rupees fifty lakhs only) in each of the cases within a period of six months from the date of his release.

Accepting and acting upon the said offer, the High Court

granted bail to the appellant in both the cases subject to various conditions. One such condition was that the appellant would file an undertaking in each case at the time of his release that he would deposit an amount of ₹50,00,000/- (Rupees fifty lakhs only) within a period of six months from the date of his release.

Though the learned counsel for the appellant does not wish to commit himself as to whether the appellant filed such undertakings, he admits that the appellant is presently out on bail. This clearly implies that the appellant did file the undertakings, as that was a condition precedent for his release on bail.

It is the specific case of the appellant that notwithstanding the offer, if any, made on his behalf before the High Court, the High Court was not justified in imposing an onerous condition of deposit of money as a condition precedent for availing the benefit of bail.

Reliance is placed upon the judgment of this Court in *Ramesh Kumar vs. State of NCT of Delhi*<sup>1</sup>, which was also a case where an undertaking was given before the High Court but, thereafter, a complaint was made before this Court as to the onerous nature of a condition for deposit of money. This Court observed that such undertakings should be accepted only in cases involving public monies.

Notwithstanding the law laid down by this Court in the aforesaid decision, we cannot lose sight of the fact that the practice of the accused in matters of this nature securing bail from the High Courts by offering to deposit monies and thereafter

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assailing such condition as onerous and uncalled for is on the increase. The appellant before us also secured bail from the High Court by making an offer and acting upon the said offer, by filing undertakings. He cannot have the benefit of the bail granted on the basis of his offer being accepted, if he has a grievance with the condition imposed by the High Court acting upon that offer. The appellant cannot be allowed to approbate and reprobate to suit his own convenience.

As the appellant has admittedly not deposited any money in terms of his undertakings and assails the condition imposed at his own instance, we are constrained to set aside the orders passed by the High Court and restore the bail petitions, viz., R/Criminal Misc. Application (For Regular Bail-After Chargesheet) Nos. 21383/2024 and 21380/2024, on the file of the High Court for consideration afresh on their own merits and in accordance with law. The High Court shall consider and dispose of the bail applications as expeditiously as possible. It would also be open to the appellant to file applications for early disposal thereof.

The appellant, who is out on bail pursuant to the impugned orders, shall surrender within a period of ten days from today.

The appeals are disposed of accordingly.

Pending application(s), if any, shall also stand disposed of.

.....J.  
(SANJAY KUMAR)

.....J.  
(SATISH CHANDRA SHARMA)

NEW DELHI;  
JULY 22, 2025.

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

SPECIAL LEAVE PETITION (CRIMINAL) Diary No. 22961/2025

[Arising out of impugned final judgment and order dated 10-01-2025 in CRMA No. 21383/2024 passed by the High Court of Gujarat at Ahmedabad]

ASHISH NAVALKUMAR SUREKA

Petitioner(s)

VERSUS

STATE OF GUJARAT

Respondent(s)

(IA No. 123018/2025 - CONDONATION OF DELAY IN FILING and IA No. 123017/2025 - EXEMPTION FROM FILING O.T.)

WITH

Diary No. 25390/2025 (II-E)

(IA No. 126890/2025 - CONDONATION OF DELAY IN FILING and IA No. 126891/2025 - EXEMPTION FROM FILING O.T.)

Date : 22-07-2025 These matters were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE SANJAY KUMAR  
HON'BLE MR. JUSTICE SATISH CHANDRA SHARMA

For Petitioner(s) : Mr. Ritesh Agrawal, AOR  
Mr. Sunder Khatri, Adv.  
Ms. Priyanshi Sharma, Adv.  
Ms. Rukshar Ansari, Adv.

For Respondent(s) : Mr. Bhushan Mahendra Oza, AOR  
Mr. Amber Dwivedi, Adv.  
Mr. Kuldeep Sharma, Adv.  
Mr. Himanshu Nayyar, Adv.

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

Delay condoned.

Leave granted.

The appeals are disposed of in terms of the signed order.

Pending application(s), if any, shall also stand disposed of.

(DEEPAK GUGLANI)  
AR-cum-PS

(PREETI SAXENA)  
COURT MASTER (NSH)

(signed order is placed on the file)