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**IN THE COURT OF
PRINCIPAL DISTRICT & SESSIONS JUDGE
AHMEDABAD (RURAL) @ AHMEDABAD.**

Criminal Misc. Application No. 661 of 2026

APPLICANTS/ACCUSED

1. **Shivraj @ Shivo Sukhrambhai Bharwad**
Age: 22 yrs, Hindu, occup: Service
R/o Nigam Society, Bharvadvas,
Ghodasar,
Ahmedabad.
2. **Mahesh @ Mailo Meghabhai Bharwad**
Age: 21 yrs, Hindu, occup:service,
R/o 39, Nr. Durganagar society Nigam Bus stand,
Vatva,
Ahmedabad.
Both at present in Sabarmati Jail.

V E R S U S

OPPONENT

The State of Gujarat,
Notice to be served through
Public Prosecutor,
District & Sessions Court,
Ahmedabad (Rural) .

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Application for regular bail u/s 483 of BNSS, 2023.
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APPEARANCE:

Ld. Adv. Mr.V.P. Barot for the applicants.
Ld. P.P., Mr. P.M. Trivedi for the Opponent State
Ld. Adv. Mr. U.A. Mansuri, for original complainant.

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J U D G M E N T

1. The present application is preferred by applicants u/s.483 of The Bhartiya Nagrik Suraksha Sanhita, 2023 (hereinafter referred as 'BNSS') in connection offence registered with **Vastrapur Police Station** vide Part-A C.R.No. **11191020260047/2026** for the offence punishable u/s. 109(1), 115(2), 117(2), 118(1), 118(2), 189(2), 191(2), 191(3), 190 of The Bharatiya Nyaya Sanhita (hereinafter referred as 'BNS') and Sec.135(1) of G.P. Act **seeking regular bail before chargesheet.**

2. Ld. Advocate Mr.V.P. Barot for the applicants/accused submits that, the applicants are innocent and have not committed any offence as alleged in the FIR. Applicants have not played any direct or indirect role in the alleged offence. Applicants are falsely implicated in the offence. Applicants are not named in the FIR and no identity/description of the applicants is made in FIR. No specific role has been alleged against the applicants in the FIR. Injured complainant and Kirpalsingh are discharged and are out of danger. Recovery or discovery in the said offence is over and there is nothing to be recovered or discovered from the applicants/accused.

2.1 It is submitted that the applicants are not likely to hamper or tamper with the prosecution evidence. It is submitted that applicants are of young age and are breadwinner of their family. The applicants are permanent resident of the address shown in the cause title. Applicants are not likely to abscond and will be available for trial. The applicants will abide by any stringent

condition that may be imposed upon them while exercising discretion in favour of the applicants. It is accordingly urged to allow present application.

3. Ld. Public Prosecutor Mr.P.M.Trivedi appearing on behalf of the Opponent - State opposed the grant of bail to the present applicants. He submits that the applicants are charged for the offence under u/s. 109(1), 115(2), 117(2), 118(1), 118(2), 189(2), 191(2), 191(3), 190 of 'BNS' and Sec.135(1) of G.P. Act. He submits that as per the prosecution case, accused Paresh Rabari, Lalo Rabari, Montu Rabari, Sunil Rabari and other 10 to 15 person keeping grudge of settlement made in Sarkhej Police Station for the earlier incident, on 14/2/2026 at around 2.00 a.m. at Shakti Square Complex, Vastrapur Talav, forming unlawful assembly, armed with weapons like Knife, Stick, Pipe arrived at the spot in Creta and Swift Cars and two wheelers like Pulsar and Activa and Paresh Rabari inflicted knife blow on the rear portion of right shoulder of the complainant and two other persons caused injury on his legs through sticks, Paresh Rabari also caused knife blow injury on the shoulder of Kripalsinh, cousin brother of the complainant, while other persons caused injury on left eye and other parts of his body by sticks and pipe and caused fracture on left leg and fled the spot after committing the offence.

3.1 Muddamal stick is recovered from the applicant – accused Shivraj @ Shivam @ Shivo s/o Sukhabhai Devabhai Bharwad. Applicant/accused Mahesh @ Mailo s/o Meghabhai Masabhai Bharwad was also member of unlawful assembly and had

inflicted kick and fist blow to complainant and witness Kripalsinh. Investigation is going on and co-accused persons are yet to be arrested, therefore, if the applicants are enlarged on bail then applicants are likely to tamper the evidence and influence and/or coerce the witnesses of the case. Ld. Public Prosecutor has placed reliance on affidavit filed by the Investigating Officer (Exh.5) and has urged to reject the bail application.

3.2 Original complainant has filed written objections vide Exh.8 and strongly objected the bail application. It is stated that there is prima-facie case against the applicants/accused. Applicants/accused are headstrong persons. It is stated that if granted bail the applicants/accused are likely to hamper or tamper with the prosecution evidence and urged to reject the bail application.

4. Heard learned Advocates for respective parties. The Court has gone through the bail application and annexure attached to it, affidavit of the I.O. and the case papers. It is clarified that the observations made by this Court is tentative in nature and is confined for deciding this bail application and it will has no relevance during the trial. Following circumstances are taken into consideration for deciding this bail application:-

- i. The applicants are charged for the offence punishable under u/s. 109(1), 115(2), 117(2), 118(1), 118(2), 189(2), 191(2), 191(3), 190 of 'BNS' and Sec.135(1) of G.P. Act.
- ii. As per the prosecution case, the complainant had entered into settlement with accused Paresh Rabari in

Sarkej Police Station with regard to incident dated 13/2/2026 and keeping this grudge on 14/2/2026 the accused persons went at the office of complainant (at Shakti Square Complex, Vastrapur Talav) with weapons and had beaten the complainant and witness Kripalsingh with pipe, sword and knife and thereby, FIR came to be registered against the accused persons.

- iii. The applicants are not named in the FIR. It prima-facie reveals from the case papers and affidavit of the I.O. that applicant No.1 Shivraj @ Shivam @ Shivo s/o Sukhabhai Devabhai Bharwad was having stick in his hands and applicant/accused no.2- Mahesh @ Mailo had no weapon. Both the applicants are attributed role of beating with stick and kick and fist blow respectively. The applicants are not attributed role of causing injury with knife to the complainant or witness. The injured persons are stated to have been discharged from the hospital on 18/2/2026.
- iv. Having gone through the injury certificate and the role attributed to the applicants/accused and there been no past antecedents a case for bail is made out.
- v. Apprehension of the prosecution and original complainant that if granted bail, there is possibility of repetition of similar offence can be met with by imposing stringent conditions upon the applicants /accused, which would maintain balance between personal liberty and societal interest.

- vi. Both the applicants/accused were arrested on 28/2/2026 and after completion of police custody remand they are in judicial custody since 1/3/2026.
- vii. The applicants through their Ld. Advocate made a statement that they will cooperate the investigation and will remain present as and when required.

5. In view of the facts and circumstances noted above and considering role leveled against the accused persons, there been no past antecedents and injured persons are discharged from the hospital and principles laid down by Hon'ble Apex Court in the case of **Sanjay Chandra vs CBI, (2012) 1 SCC 40, Satender Kumar Antil vs CBI and another, (2022) 10 SCC 51** and principle laid down in the case of **Rameshbhai Batubhai Dabhi vs State of Gujarat, 2011(3) GLR page No.1999**, this Court deems it fit to exercise discretion in favour of the applicants – accused by imposing stringent conditions and accordingly, following order is passed in the interest of justice.

-: ORDER :-

1. The regular bail application of applicants - accused is **allowed.**
2. Applicants/accused –[1] **Shivraj @ Shivo Sukhrambhai Bharwad** and [2] **Mahesh @ Mailo Meghabhai Bharwad** are hereby ordered to be enlarged on regular bail in connection with offence being **Vastrapur Police Station vide Part–A C.R.No. 11191020260047/2026** for the offence punishable u/s. 109(1), 115(2), 117(2), 118(1), 118(2), 189(2), 191(2), 191(3), 190 of The Bharatiya

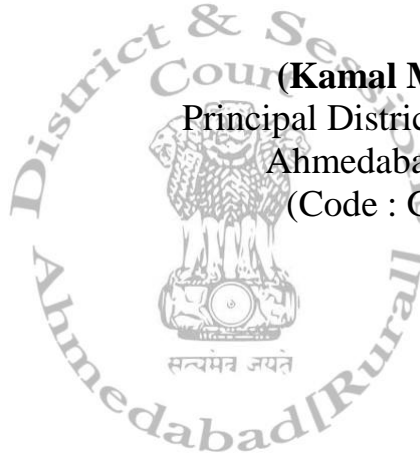
Nyaya Sanhita and Sec.135(1) of G.P. Act on furnishing personal bond of Rs.10,000/- (Ten Thousand Rupees only) **each** and surety of like amount before the concerned court on following conditions:

- (a) Applicants/accused shall remain present before the concerned Police Station on **10th and 25th date** of every month between 11:00 AM to 02:00 PM till chargesheet is filed;
- (b) Applicants/accused **shall not enter within revenue limits of Ahmedabad City** except for marking their presence and for attending Court proceedings **till chargesheet is filed;**
- (c) Applicants/accused shall not leave India without prior permission of the Court;
- (d) Applicants/accused shall not involve in identical or any other offence in future;
- (e) Applicants/accused shall not tamper with the evidence or influence the witnesses;
- (f) Applicants/accused shall furnish their present and permanent correct address and contact numbers to the court at the time of executing bail bond and shall also furnish the same to the Investigating Officer and shall not change the same without prior permission of the Court;
- (g) Applicants/accused shall make themselves available for interrogation by Investigating Officer as and whenever required;

- (h) Applicants/accused shall also surrender their passport, if any, else shall make necessary affidavit within a week;
- (i) Applicants/accused shall not take undue advantage of liberty or misuse liberty;
3. Bail Bond to be executed before the concerned Court and yadi be send accordingly.
- 4 Copy of this order be sent to the concerned police station and Jail Authority.

Pronounced in the open Court today, this **16th day of March, 2026.**

vsb



(Kamal M. Sojitra)
Principal District & Sessions Judge
Ahmedabad (Rural).
(Code : GJ01494)