

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CRIMINAL APPEAL (REGULAR BAIL - AFTER CHARGESHEET) NO.
103 of 2026**

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NAAGDAAN KHENGABHAI MAKWANA (AS PER ORDER), AAGDAAN AHIR
(AS PER FIR)Versus
STATE OF GUJARAT & ANR.

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Appearance:

M S PADALIYA(7406) for the Appellant(s) No. 1

NOTICE SERVED BY DS for the Opponent(s)/Respondent(s) No. 2

MR ADITYA JADEJA, APP for the Opponent(s)/Respondent(s) No. 1

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CORAM:HONOURABLE MR. JUSTICE NIKHIL S. KARIEL**Date : 20/03/2026
ORAL ORDER**

1. Heard learned Advocate Mr. M.S. Padaliya appearing on behalf of the appellant and learned Additional Public Prosecutor Mr. Aditya Jadeja appearing on behalf of the respondent-State. Though served, none appears on behalf of the respondent No.2 – original complainant.

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

3. The appellant has filed this appeal under Section 14(1) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 read with Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 for enlarging the appellant on Regular Bail in connection with FIR being C.R. No. 11185001250571 of 2025 registered with Bhanvad Police Station, District Devbhoomi Dwarka, for the offence punishable under Sections 351(2), 352, 196(1)(b) of the Bharatiya Nyaya Sanhita, 2023 and

Sections 3(1)(r), 3(1)(u) and 3(2)(v-a) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015 and Section 135 of the Gujarat Police Act, more particularly the appellant has been arrested on account of Non-bailable Warrant issued by the learned Sessions Court, since the appellant did not attend the trial for substantial period.

4. It would appear that the appellant having been arraigned as accused in connection with the aforesaid FIR, and having not been arrested, more particularly since the offence alleged where punishment that could be imposed was below seven years and whereas the appellant, not attending the trial regularly, the learned Trial Court having issued a Non-bailable Warrant and the appellant having been arrested on 16.12.2025, the appellant having approached the learned Trial Court, and the learned Trial Court not having enlarged the appellant, the appellant has approached this Court.

5. Having heard learned Advocates appearing on behalf of the respective parties and having perused the papers, the following aspects have been considered :

- (i) The fact of the present appellant not being arrested in the substantive offence.
- (ii) The fact of the appellant being in custody since 16.12.2025 in the present case.

(iii) The submission of learned Advocate for the appellant that the appellant has not remained present on account of circumstances beyond his control.

(iv) The fact of the learned Advocate for the appellant submitting that the appellant is voluntarily ready and willing to deposit an amount of Rs.50,000/- (Rupees Fifty Thousand Only) with the learned Trial Court, as a surety for the appellant attending the trial regularly, and whereas the amount could be forfeited in case the present appellant may not attend the trial without a reasonable cause.

6. Having regard to the above observations and discussion, this Court is inclined to consider this application.

7. Hence, the present appeal is allowed. The appellant is ordered to be released on bail in connection with FIR being C.R. No. 11185001250571 of 2025 registered with Bhanvad Police Station, District Devbhoomi Dwarka, 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] attend the trial regularly;
- [b] upon being released on bail, the appellant shall forthwith deposit amount of Rs. 50,000/- (Rupees Fifty Thousand Only) with the learned Trial Court, which amount shall stand as a surety.
- [c] not remain absent in the trial on two consecutive dates without any reasonable cause and without giving an

application for exemption, failing which, it would be open for the learned Trial Court, in addition to other legal remedies available, forfeit the amount deposited by the appellant and appropriate the same as deemed fit and proper by the learned trial Court. In case the appellant remains present all throughout the trial, irrespective of the final decision of the trial, the said amount shall be refunded back to the appellant.

- [d] not take undue advantage of liberty or misuse liberty;
- [e] not act in a manner injurious to the interest of the prosecution;
- [f] surrender passport, if any, to the lower court within a week;
- [g] not leave the State of Gujarat without prior permission of the Sessions Court concerned;
- [h] 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 Investigating Officer.

8. The Authorities will release the appellant 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 Court concerned will be free to take appropriate action in the matter.

9. 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.

10. 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 appellant for being released on regular bail.

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

BDSONGARA

(NIKHIL S. KARIEL,J)

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: BHUPENDRASINH DHANESINH SONGARA(HC01082), Private Secretary, at High Court of Gujarat on 20/03/2026 18:29:06