

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

**R/CRIMINAL MISC. APPLICATION NO. 3739 of 2026
(FOR SUCCESSIVE REGULAR BAIL - AFTER CHARGESHEET)**

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PARSHOTTAMBHAI @ GUGO JADAVBHAI KUMARKHANIYA
Versus
STATE OF GUJARAT

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Appearance:

MR ANIL H RATHOD(9691) for the Applicant(s) No. 1
MR ROHAN SHAH APP for the Respondent(s) No. 1

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CORAM:HONOURABLE MR. JUSTICE DIVYESH A. JOSHI

Date : 09/03/2026

ORAL ORDER

1. Rule. Learned APP waives service of notice of rule for respondent – State of Gujarat.
2. The present application, which has been filed pursuant to the liberty granted by this Court while passing an order dated 30.01.2026 in Criminal Misc. Application No.73/2026, is filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, for regular bail in connection with the FIR being C.R. No.11208002230034/2023 registered with the Ajidam Police Station, Rajkot City for the offences as mentioned in the FIR.
3. Learned advocate for the applicant submitted that this is a successive bail application preferred by the applicant pursuant to the liberty granted by this Court while passing an order dated 30.01.2026 in Criminal Misc. Application No.73/2026, whereby

the liberty was granted to file fresh application after recording of the deposition of the injured eye-witness. He referred to the evidence of the witnesses, who have been examined by the prosecution while conducting trial including the evidence of injured eye-witness and submitted that now the said injured eye-witness has already been examined and in fact, he has not supported the case of the prosecution and he has been declared hostile by the prosecution. He further submitted that not only that, out of total 31 witnesses, around 8-9 witnesses have been examined including the injured eye-witness but none of them have supported the case of the prosecution. He submitted that and the applicant has been arrested in connection with the aforesaid FIR on 21.01.2023 and since then, he is in judicial custody i.e. since last more than three years. He submitted that considering the above facts of the case, the chances of conviction are very bleak, therefore for indefinite period till the trial completes, he may not be kept behind the bar. He, therefore, submitted that considering the above facts of the case, the present application may be allowed by releasing the applicant on regular bail by imposing suitable conditions.

4. Learned APP for the respondent-State has opposed grant of regular bail looking to the nature and gravity of the offence. He submitted that this is a successive bail application preferred by the

applicant and except recording of the evidence of some witnesses, there is no changed in circumstances. He submitted that in fact, the active involvement of the applicant in the commission of crime is clearly spelt out from the chargesheet papers and he is having 8 antecedents. He further submitted that there are number of judicial pronouncement given by the Hon'ble Supreme Court, wherein it has been observed that "bail is the rule and refusal is an exception". He, therefore, submitted that considering above facts of the case, the present application may not be entertained.

5. Learned advocates appearing on behalf of the respective parties do not press for further reasoned order.
6. I have heard the learned advocates appearing on behalf of the respective parties and perused the papers of the investigation and considered the allegations levelled against the applicant and the role played by the applicant. It is found out from the record that the present application is preferred after submission of the chargesheet and now the investigation is completed and the applicant is in jail since 21.01.2023. It is not in dispute that this is a successive bail application preferred by the applicant, however, it is pursuant to the liberty granted by this Court as stated above. It is also found out that out of total 31 witnesses, 8-9 witnesses have been

examined including injured eye-witness and the complainant as also panchas but none of them have supported the case of the prosecution and they have been declared hostile by the prosecution. I have considered the role attributed to the present applicant at the time of commission of crime. I have also considered the decisions of the Hon'ble Supreme Court as well as this Hon'ble Court on the aspect of bail in such cases. Therefore considering the above factual aspects, the present application deserves to be allowed with certain conditions as there are antecedents of the applicant.

7. This Court has also taken into consideration the law laid down by the Hon'ble Apex Court in the case of **Sanjay Chandra Vs. Central Bureau of Investigation**, reported in [2012] 1 SCC 40 as well as in case of **Satender Kumar Antil Vs. Central Bureau of Investigation & Anr.** reported in (2022) 10 SCC 51.
8. In the facts and circumstances of the case and considering the nature of the allegations made against the applicant in the FIR, 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 applicant on regular bail.
9. Hence, the present application is allowed. The applicant is ordered to be released on regular bail in connection with the FIR being C.R.

No.11208002230034/2023 registered with the Ajidam Police Station, Rajkot City on executing a personal bond of Rs.15,000/- (Rupees Fifteen 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] not take undue advantage of liberty or misuse liberty;
- [b] not act in a manner injuries to the interest of the prosecution;
- [c] surrender passport, if any, to the concerned court within a week;
- [d] not leave the State of Gujarat without prior permission of the concerned court;
- [e] mark presence before the concerned Police Station on alternate Monday of every English calendar month for a period of six months between 11:00 a.m. and 2:00 p.m.;
- [f] furnish the present address of residence to the Investigating Officer and also to the Court at the time of execution of the bond and shall not change the residence without prior permission of this Court;
- [g] not enter into revenue limits of Rajkot city till conclusion of trial except for marking presence as also for attending court proceedings;

10. The authorities will release the applicant 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 concerned Sessions Judge concerned will be free to issue warrant or take appropriate action in the matter. 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 trial, the trial Court shall not be influenced by the observations of preliminary nature qua the evidence at this stage made by this Court while enlarging the applicant on bail.
12. Rule is made absolute to the aforesaid extent. Direct service is permitted.

(DIVYESH A. JOSHI, J.)

Gautam

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: GAUTAM G PATIL(HC00190), Principal Pvt. Secretary, at High Court of Gujarat on 09/03/2026 17:15:17