

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CRIMINAL MISC.APPLICATION (FOR SUCCESSIVE REGULAR BAIL -
AFTER CHARGESHEET) NO. 4714 of 2026**

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SUKESH GANESHBHAI VYAS

Versus

STATE OF GUJARAT

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Appearance:

MR VIRAT G POPAT(3710) for the Applicant(s) No. 1

MR KAMLESH S KOTAI(6150) for the Respondent(s) No. 1

MS. ASHMITA PATEL, APP, for the Respondent(s) No. 1

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CORAM:**HONOURABLE MR. JUSTICE A.Y. KOGJE****Date : 24/04/2026****ORAL ORDER**

1. This application is filed by the applicant under Section **483 of the Bhartiya Nagarik Suraksha Sanhita, 2023** for regular bail in connection with FIR registered as **C.R. No.I- 11191040200221 of 2020** with **Sardarnagar Police Station, Ahmedabad City** for the offence punishable under Sections 302, 324 and 114 of the Indian Penal Code and under Section 135 of the GP Act.

2. Learned advocate appearing on behalf of the applicant submits that considering the nature of offence, the applicant may be enlarged on regular bail by imposing suitable conditions.

3. On the other hand, the learned Additional Public Prosecutor appearing for the respondent-State has opposed grant of regular bail looking to the nature and gravity of the offence.

4. Learned advocate Mr. Kamlesh Kotai, appearing for the original complainant submitted that the eye witness to the incident has been examined and he has placed before the Court Exh.55, deposition of PW No.4-Vivek Sharma, eye witness.

5. Learned Advocates appearing on behalf of the respective parties do not press for a further reasoned order.

6. I have heard the learned advocates appearing on behalf of the respective parties and perused the papers. Following aspects are considered :-

I) The First Information Report is registered on 20.01.2020 for the offence which is alleged to have taken place on 19.01.2020.

II) The applicant is in custody since 27.01.2020.

III) The investigation is concluded and charge-sheet is filled.

IV) The accused is in custody since 27.01.2020 and therefore, has been in custody since more than six years.

V) Report is placed on record by learned public prosecutor dated 24.04.2026, wherein it is indicated that 65 witnesses are yet to be examined during the course of trial.

VI) Submission of learned advocate that during the course of investigation, though the medical certificate is

placed on record, which was the first stage of disclosing the name of accused yet the name of the present applicant, though known to the complainant, has not been disclosed in the history given to the doctor at the first instance.

VII) Submission of learned Public Prosecutor that the accused had remained absconding for 159 days when he was released on temporary bail in the year 2022. To which, the learned advocate representing the accused has offered an explanation with regard to the prevailing situation then.

VIII) The over all fact situation of the case including the version of the prosecution that the incident took place out of a trivial incident of spitting on the shoes of one of the accused, which resulted into the assault.

IX) Two co-accused have been enlarged on regular bail.

X) Learned advocate for the applicant submit that the applicant is having no antecedents.

XI) Learned Additional Public Prosecutor under the instructions of the Investigating Officer is unable to bring on record any special circumstances against the applicant.

7. In the facts and circumstances of the case and considering the nature of the allegations made against the applicant 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 applicant on regular bail.

8. Hence, the present application is allowed. The applicant is ordered to be released on regular bail in connection with **C.R. No.I-11191040200221 of 2020** with **Sardarnagar Police Station, Ahmedabad City** on executing a personal 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) not take undue advantage of liberty or misuse liberty;

(b) not act in a manner injurious to the interest of the prosecution & shall not obstruct or hamper the police investigation and shall not to play mischief with the evidence collected or yet to be collected by the police;

(c) surrender passport, if any, to the Trial Court within a week;

(d) not to leave the State of Gujarat without prior permission of the Trial Court concerned;

(e) not to enter City of Ahmedabad except for marking presence and for attending the trial.

(f) mark presence before the concerned Police Station once in a month for a period of six months between 11.00 a.m. and 2.00 p.m.;

(g) furnish the present address of his 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 Trial Court;

9. 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 Sessions Judge concerned will be free to issue warrant or 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.

10. 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.

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

SIDDHARTH

(A.Y. KOGJE, J)