

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/CRIMINAL MISC.APPLICATION (FOR REGULAR BAIL - BEFORE
CHARGESHEET) NO. 4995 of 2026

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GOVINDBHAI DHARMESHBHAI VAGHELA & ANR.

Versus

STATE OF GUJARAT

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Appearance:

MR BM MANGUKIYA(437) for theapplicants(s) No. 1,2
MS BELA A PRAJAPATI(1946) for theapplicants(s) No. 1,2
MR HARDIK SONI, ADDL. PUBLIC PROSECUTOR for the Respondent(s)
No. 1

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CORAM:HONOURABLE MR. JUSTICE NIKHIL S. KARIEL

Date : 18/03/2026

ORAL ORDER

1. Heard learned advocate Mr.B.M.Mangukiya appearing on behalf of the applicants and learned Additional Public Prosecutor Mr. Hardik Soni appearing on behalf of the respondent-State.

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

3. The applicants have filed this application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 for

enlarging the applicants on Regular Bail in connection with FIR being **C.R. No. 11192010250411 of 2025 registered with Bagodra Police Station, District: Ahmedabad** for the offence punishable under Sections 309(4), 309(6) and 54 of the B.N.S. Act.

4. Learned advocate for the applicants would submit that considering the role attributed to the applicants, and nature of the allegation levelled, the applicants may be enlarged on regular bail. It is further contended that the applicants are ready and willing to abide by all the conditions that may be imposed by this Court if released on bail.

5. As against the same, learned Additional Public Prosecutor appearing for the respondent – State has vehemently objected to the grant of regular bail. Learned APP has submitted that looking to the nature of offence and the role attributed to the present applicants, this Court may not exercise the discretion in favour of the applicants and the application may be dismissed.

6. I have heard learned advocates appearing on behalf of

the respective parties and perused the papers. Following aspects are considered:-

- i. Allegation is of having committed offence punishable under Section 309(4), 309(6) etc. and whereas *prima facie* it would appear that the present is the case of road rage.
- ii. It would *prima facie* appear in this regard that the car of the complainant had brushed with the car of the accused and whereas, the said incident had escalated into the present applicants having allegedly assaulted the complainant and having taken away his car and mobile phones etc.
- iii. It would also appear in this regard that the present applicants, did not commit any premeditated act and whereas, it would appear that the incident of the accident had escalated into the present incident.
- iv. While it would appear that the mobile phones etc. had been recovered from the present applicants, yet considering the above this Court would be inclined.
- v. While it is pointed out by learned APP that there are four antecedents, this Court has considered the fact that of the two offences are under the Prohibition Act and two are for offences under the IPC. The highest being an offence punishable under Section 325.

vi. This Court has also considered the fact that the applicants are permanent resident of Vadodara whereas, the incident had happened on the Tarpur Bagodra Highway, also leading to a *prima facie* conclusion that the incident was fallout of an accident.

vii. The fact that the applicants are in custody since 23.12.2025, this Court is inclined to grant bail.

This Court has taken into consideration the law laid down by the Hon'ble Apex Court in the case of **Sanjay Chandra v. Central Bureau of Investigation reported in [2012] 1 SCC 40.**

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

8. Hence, the present application is allowed. The applicants is ordered to be released on bail in connection with F.I.R. registered as **C.R. No. 11192010250411 of 2025 registered with Bagodra Police Station, District: Ahmedabad,** on executing a

bond of Rs.25,000/- each (Rupees Twenty Five Thousand only) with one surety of the like amount to the satisfaction of the trial Court and subject to the conditions that they shall;

[a] not take undue advantage of liberty or misuse liberty;

[b] not act in a manner injurious to the interest of the prosecution;

[c] surrender passport, if any, to the lower court within a week;

[d] not leave the State of Gujarat without prior permission of the Sessions Court concerned;

[e] 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 residence without prior intimation to the I.O.;

[f] mark presence **once a week till the charge-sheet is filed and thereafter** once a month for a period of six months before the concerned police station.

9. The Authorities will release the applicants only if they are 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.

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.

11. 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 applicants for being released on regular bail.

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

(NIKHIL S. KARIEL,J)

NAIR SMITA V./27-DB

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: SMITA VINU NAIR(HC00186), PRINCIPAL PRIVATE SECRETARY, at High Court of Gujarat on 20/03/2026 12:29:35