

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

**R/CRIMINAL MISC.APPLICATION (FOR REGULAR BAIL - AFTER
CHARGESHEET) NO. 5579 of 2026**

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ADNAN @ BADSHAH ASLAMBHAI MAKVA

Versus

STATE OF GUJARAT

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Appearance:

MS VIRAL A DETROJA(12122) for the Applicant(s) No. 1

MR TRUPESH KATHIRIYA, APP for the Respondent(s) No. 1

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CORAM:HONOURABLE MR. JUSTICE NIKHIL S. KARIEL

Date : 09/03/2026

ORAL ORDER

1. Heard learned advocate Mr. Bhavik Shah appearing on behalf of learned advocate Mr. Viral Detroja for the applicant and learned APP Mr. Trupesh Kathiriya for the respondent – State.
2. The applicant has filed this application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 for enlarging the applicant on Regular Bail in connection with FIR being C.R. No. 11198001251185 of 2025 registered

with Nilambaugh Police Station, Bhavnagar for the offence punishable under Section 105 of the B.N.S. and Section 135 of the G.P. Act.

3. Having heard the learned advocate for the applicant and having perused the documents on record, this Court is not inclined to consider the present application at the stage, for the following reasons:-

3.1. The offence being serious in as much as the accused is alleged to have caused the death of the deceased.

3.2. While, it is contended by the learned advocate that the allegation against the present applicant is for offence punishable under Section 105 of the B.N.S., more particularly, the submission being that the present applicant did not have any cause of quarrel with the deceased, and whereas, the applicant, while he was quarreling with someone, the deceased passing by and the applicant having tried to assault the person with

whom he was quarreling by throwing a stone which struck the applicant, which is led to his death.

3.3. Prima facie, while, this Court would agree with the learned advocate that the present applicant may not have any intention to assault the deceased and murder the deceased, yet, this Court is not inclined to consider the application, more particularly, having regard to the fact that while the act may be done without any intention yet Section 105 of the B.N.S. inter alia envisaging about an offence where the act committed is with the knowledge but without any intention, being punishable by imprisonment for 10 years. In the considered opinion of this Court, throwing a stone with such force in a place which normally appears to be a thoroughfare, which had struck the deceased resulting in his death would prima facie qualify as an act which though may be without any intention but with the knowledge that it may lead to serious consequences.

Thus while the act may be without any intention yet, since there may be knowledge of the consequences, therefore, the act committed by the applicant would qualify as being serious.

3.4. The present applicant having four antecedents. It appears in this regard, that while two of the antecedents are inter alia under Section 131 (1), the G.P. Act and under the M.V. Act, there is one offence against the present applicant, which is under the Arms Act, thus leading to prima facie conclusion that the present applicant, appears to a person who is habitually in conflict with the legal process. Thus, the consideration which would weigh with this Court would be different as compared to the consideration which would weigh in case of a person without any antecedents.

3.5. The applicant prima facie, appears to be a head strong person, more particularly basis the antecedents and the allegation being of having committed an act,

which had led to the death of the deceased, releasing the applicant may not be in the interest of the society as a whole pending the trial more particularly within such a short duration from the alleged offence, hence, this Court is disinclined to exercise its discretion at this stage.

4. Hence, the present application stands disposed of as rejected.

(NIKHIL S. KARIEL,J)

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Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: PARUL DUTTA(HCD0073), ENGLISH STENOGRAPHER GRADE TWO CLASS TWO, at High Court of Gujarat on 17/03/2026 10:57:24