

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/CRIMINAL MISC.APPLICATION (FOR REGULAR BAIL - AFTER
CHARGESHEET) NO. 5479 of 2026

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DIPAK S/O VIJAYBHAI MUSABHAI KUSHVAH

Versus

STATE OF GUJARAT

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Appearance:

MR. KISHAN H DAIYA(6929) for the Applicant(s) No. 1

MR TRUPESH KATHIRIYA ADDL. PUBLIC PROSECUTOR for the
Respondent(s) No. 1

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CORAM:HONOURABLE MR. JUSTICE NIKHIL S. KARIEL

Date : 13/04/2026

ORAL ORDER

1. Heard learned advocate Mr.Kishan Daiya appearing on behalf of the applicant and learned Additional Public Prosecutor Mr. Trupesh Kathiriya appearing on behalf of the respondent-State.

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

3. 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. 11191024250315 of 2025 registered with Ramol Police Station, District: Ahmedabad City** for the offence punishable under Sections 109(1), 118(1), 189(2), 189(4), 190, 191(2), 191(3), 126(2), 324(6), 296(b) and 351(3) of BNS Act and under Section 135(1) of the G.P.Act and under Section 61(2) of the BNS Act.

4. Learned advocate for the applicant would submit that considering the role attributed to the applicant, and nature of the allegation levelled, the applicant may be enlarged on regular bail. It is further submitted that since the charge-sheet is filed no useful purpose would be served by keeping the applicant in jail for indefinite period. It is further contended that the applicant is 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 applicant as coming out from the charge-sheet, this

Court may not exercise the discretion in favour of the applicant 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 against the accused being that the accused, had committed offence as punishable under Section 109(1) etc. more particularly, the allegation being that the applicant without any cause, had intercepted the passers-by and caused damaged to the vehicles and also caused injuries to the complainant with whom the present applicant did not have any quarrel.

ii. The fact that the applicant while he is stated to the part of the group yet, the present applicant face is not visible in the CCTV footage, qua the incident in question.

iii. It also appears that the present applicant is attributed to be present on the site with a wooden stick whereas, person having a knife, having being released by the learned Co-ordinate Bench vide order dated 02.04.2026 in Criminal Misc. Application No. 17014 of 2025.

iv. The fact that the applicant being in custody since

18.03.2025 and the charge-sheet having been filed and the applicant having no antecedents, 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 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 bail in connection with F.I.R. registered as **C.R. No. 11191024250315 of 2025 registered with Ramol Police Station, District: Ahmedabad City**, 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] 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] not to enter Ahmedabad for a period of one year except for marking presence and attending trial;

[f] mark presence once in a month for a period of one year before the concerned police station.

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 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 applicant 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./06-DB-I