

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

**R/CRIMINAL MISC.APPLICATION (FOR REGULAR BAIL - AFTER
CHARGESHEET) NO. 6249 of 2026**

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JAYESH KANTILAL VANIYA & ANR.

Versus

STATE OF GUJARAT

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Appearance:

MALAY S PATEL(8901) for the Applicant(s) No. 1,2

MR GUNWANTBHAI G AHIR(12470) for the Applicant(s) No. 1

MR P S DATTA(11324) for the Respondent(s) No. 1

MS. JYOTI BHATT, APP for the Respondent(s) No. 1

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**CORAM:HONOURABLE MR.JUSTICE UTKARSH THAKORBHAI
DESAI**

Date : 30/04/2026

ORAL ORDER

1. Heard learned advocate appearing on behalf of the applicants and learned Additional Public Prosecutor 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 them on

Regular Bail in connection with FIR being C.R. No. 11993002260047 of 2026 registered with Adipur Police Station, Kutch East-Gandhidham for the offence punishable under Sections 326(g), 109(1), 54 of the BNS, 2023.

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 submitted 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 discretion in favour of the applicants and the application may be dismissed.

5.1 Learned advocate appears for the original complainant. He is

permitted to file his vakalatnama in the Registry. Learned advocate for the original complainant places on record the affidavit filed by the original complainant Mr. Hareshbhai Gopalbhai Bhagat, and submits that, the dispute between the applicants and the original complainant has been amicably settled. The original complainant is present in the court and has affirmed the contents of his affidavit.

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

- i. The applicants are permanent residents of Surat(Rural), hence would be available at the time of trial;
- ii. The applicant has no criminal antecedents;
- iii. The original complainant Mr. Hareshbhai Gopalbhai Bhagat has filed an affidavit, wherein, he has stated that, the dispute between him and the original applicants has been amicably settled, and that, he does not object if bail is granted to the applicants.
- iv. The original complainant is present before the court and he

has affirmed the facts of his affidavit;

7. 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.

8. 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.

9. Hence, the present application is allowed. The applicants are ordered to be released on bail in connection with FIR being C.R. No. 11993002260047 of 2026 registered with Adipur Police Station, Kutch East-Gandhidham, on each executing a bail bond of Rs.25,000/- (Rupees Twenty Five Thousand only) with one surety each 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 their passports, if any, to the trial court within a week, and if they do not possess a passport, they shall file an affidavit to that effect;

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

[e] furnish the present address of their residence to the I.O. and to the Court at the time of execution of the bond and shall not change their residence without prior intimation to the I.O. and the court;

[f] mark their presence on every Sunday before the concerned police station till the trial is over;

[g] not indulge in similar kind of offence hereinafter, for which, they shall file affidavits before the concerned court and the police station.

10. 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 at liberty to take appropriate action in accordance with law.

11. Bail bond to be executed before the trial 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.

12. At the stage of trial, the competent 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 enlarging the applicants on regular bail. The application is allowed in the aforesaid terms. Rule is made absolute to the aforesaid extent.

(UTKARSH THAKORBHAI DESAI, J)

PARMAR CHIRAG