

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

**R/CRIMINAL MISC.APPLICATION (FOR REGULAR BAIL - AFTER
CHARGESHEET) NO. 6896 of 2026**

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KALABHAI SHAKURABHAI PARMAR & ORS.

Versus
STATE OF GUJARAT

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Appearance:

MR.DIPEN F CHAUDHARI(6740) for the applicant (s) No. 1,2,3,4
MS VRUNDA SHAH ADDL. PUBLIC PROSECUTOR for the Respondent(s)
No. 1

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CORAM:HONOURABLE MR. JUSTICE NIKHIL S. KARIEL

Date : 27/03/2026

ORAL ORDER

1. Learned advocate Mr. Dipen Chaudhari for the applicants does not press this application qua applicant Nos.1, 3 and 4 and seeks permission to withdraw the same with a liberty to approach after a period of three months.

2. Permission granted. Application stands disposed of as withdrawn qua applicant Nos.1, 3 and 4.

3. Heard learned advocate Mr.Dipen Chaudhari appearing on behalf of the applicant No.2 and learned Additional Public Prosecutor Ms.Vrunda Shah appearing on behalf of the

respondent-State.

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

5. The applicant No.2 has filed this application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 for enlarging the applicant No.2 on Regular Bail in connection with FIR being **C.R. No. 1/2025-26, Range Offence No.17 of 2025-26, registered with Khapa beat, Wild life warden and Range Forest Department, Range Amirgadh , District: Banaskantha** for the offence punishable under Sections 2(1), 2(15), 2(12-B), 2(16-A, B,C), 2(240A), 2(26), 2(27), 2(37), 9, 17-A, 27, 29, 39, 50, 51, 51-A, 52, 57 of the Wild Life Protection Act,1972.

6. Learned advocate for the applicant No.2 would submit that considering the role attributed to the applicant No.2, and nature of the allegation levelled, the applicant No.2 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 No.2 in jail for indefinite period. It is

further contended that the applicant No.2 is ready and willing to abide by all the conditions that may be imposed by this Court if released on bail.

7. 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 No.2 as coming out from the charge-sheet, this Court may not exercise the discretion in favour of the applicant No.2 and the application may be dismissed.

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

- i. So far as applicant No.2, the offence alleged is quite serious inasmuch as the applicants are stated to have cleared forest land approximately 4000 sq.meters for the purpose of road and whereas, it also appears that the role of applicant No.2 in the crime is very clear yet, considering the fact the applicant No.2 is aged around 18 years with one antecedent of being involved in an offence whereby the JCB which was used to clear the forest land had been

forcibly taken from the forest authorities after causing damage etc.,

ii. The fact that the applicant is in custody since 12.12.2025, this Court is inclined to grant bail to applicant No.2.

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.

9. In the facts and circumstances of the case and considering the nature of the allegations made against the applicant No.2 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 No.2 on regular bail.

10. Hence, the present application is allowed. The applicant No.2 is ordered to be released on bail in connection with F.I.R. registered as **C.R. No. 1/2025-26** ange **Offence No.17 of 2025-26**, registered with **Khapa beat, Wild life warden and Range Forest Department, Range Amirgadh , District: Banaskantha**, 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] mark presence once in a month for a period of six months before the concerned police station.

[g] shall not enter Taluka Danta for a period of three months except for marking presence.

11. The Authorities will release the applicant No.2 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.

12. 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.

13. 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 No.2 for being released on regular bail.

14. 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./08-DB