

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/CRIMINAL MISC.APPLICATION (FOR REGULAR BAIL - AFTER
CHARGESHEET) NO. 7384 of 2026

=====

MOHAN RAGHUNATH GOSAVI (VARMA)
Versus
STATE OF GUJARAT

=====

Appearance:
MALAY S PATEL(8901) for the Applicant(s) No. 1
MR NIRAJ SHARMA, APP for the Respondent(s) No. 1

=====

CORAM: HONOURABLE MR.JUSTICE UTKARSH THAKORBHAI
DESAI

Date : 02/04/2026

ORAL ORDER

1. Heard learned advocate Mr. Malay Patel appearing on behalf of the applicant and learned Additional Public Prosecutor Mr. Niraj Sharma 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.11214023251001 of 2025 registered with Kadodara GIDC Police

Station, District Surat Rural for the offence punishable under Sections 103((1) and 54 of the BNS, 2023 and under Section 135 of the G.P. 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, further incarceration of the applicant will not benefit the Investigation Officer in any manner. 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 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. While the offence alleged in the FIR is serious in nature, i.e. one punishable under Section 103(1) of BNS, yet it would appear that no specific role has been attributed to the present applicant insofar as the offence in question;
- ii. It would appear that, as per the theory of the prosecution the present applicant and other accused who were travelling along with the deceased in an autorickshaw owned by the present applicant and whereas, during the course of the travel, other co-accused, who has a grudge against the deceased i.e. the accused Uttam @ Kalu, has stabbed the deceased using a knife;
- iii. It would also appear that as per the FIR, the incident had been witnessed by a tempo driver and whereas while the tempo driver states about one of the persons travelling in the rickshaw inciting Uttam to stab the deceased, yet no identification parade

has been conducted to ascertain the identity of the applicant;

iv. The fact that the applicant, has been in custody since 24.05.2025 and the chargesheet having been laid by the Investigating Officer.

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 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.

9. 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.11214023251001 of 2025 registered with Kadodara GIDC Police Station, District Surat Rural, on executing a bail bond of Rs.25,000/- (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 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 his passport, if any, to the trial court within a week, and if he does not possess a passport, he shall file an affidavit to that effect;

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

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

[f] mark his presence on **once a week** before the concerned police station till the trial is over;

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

station.

10. 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 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 applicant on regular bail.

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

(UTKARSH THAKORBHAI DESAI, J)

KAJAL