

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/CRIMINAL MISC.APPLICATION (FOR SUCCESSIVE REGULAR BAIL -
AFTER CHARGESHEET) NO. 7553 of 2026**

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RAMESH @SUNNY LAKSHMANBHAI DESAI
Versus
STATE OF GUJARAT

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Appearance:

MR VIRAT G POPAT(3710) for the Applicant(s) No. 1
MR ASHISH M DAGLI(2203) for the Respondent(s) No. 1
MR JK SHAH, ADDL. PUBLIC PROSECUTOR for the Respondent(s) No. 1

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CORAM:HONOURABLE MR. JUSTICE NIKHIL S. KARIEL

**Date : 27/04/2026
ORAL ORDER**

1. Heard learned advocate Mr.Virat Popat appearing on behalf of the applicant, learned Additional Public Prosecutor Mr.J.K.Shah appearing on behalf of the respondent-State and learned advocate Mr.Jigar Patel for learned advocate Mr.Ashish Dagli appearing on behalf of the original complainant.

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. 185/2016 registered with Ramol Police Station, Ahmedabad City for the offence punishable under Sections 302, 323, 114, 120(B), 201 of the IPC and Section 135(1) 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 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 and learned advocate Mr.Jigar Patel for the complainant have 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. Having heard learned advocates appearing on behalf of the respective parties and having perused the documents on record including FIR and charge-sheet papers, this Court is

disinclined to consider this application for the following reasons:-

- i. The primary aspect which dissuades this Court from allowing the present application is the fact that the present applicant had originally approached this Court vide Criminal Misc. Application No.9755/2018 and whereas, vide an order dated 04.10.2018, the applicant had chosen to withdraw his application.
- ii. Thereafter, the applicant had approached this Court vide Criminal Misc. Application No.15235/2019 and whereas, vide a reasoned order dated 01.10.2019 a learned Coordinate Bench of this Court had rejected the said application. The learned Coordinate Bench was of the opinion that the offence was very serious inasmuch as the same being punishable under Section 302 of the IPC and whereas, the learned Coordinate Bench was also prima facie clear about the role of the present applicant inasmuch as the present applicant was the one who has allegedly given a fatal blow upon the deceased. Perusing order dated 01.10.2019, it also appears that the learned Coordinate Bench had discussed the evidence against the present

applicant and had rejected the application as noticed hereinabove while observing as regards the role of the present applicant.

iii. It would appear that the present applicant has preferred this application inter alia on the ground that after the year 2019, two of the co-accused namely one Dharmsinh @ Dhamo and Pratik Desai had been released on regular bail by the learned Sessions Court. In that regard, it would be relevant to refer to observation of the learned Sessions Court in Criminal Misc. Application No.1133/2026 more particularly order dated 17.02.2026 passed thereupon, which is impugned in the present application, where the learned Sessions Court has distinguished the role attributed to the present applicant as against the role attributed to the co-accused who had been considered by learned Predecessor Judge of the learned Sessions Court which had rejected the application.

iv. As far as co-accused Dharmsinh @ Dhamo is concerned, it has been observed by the learned Sessions Court that while releasing the said applicant, the learned Predecessor Judge had observed that the presence of the

said applicant at the said spot itself was suspicious and that the muddamal sword recovered from the said applicant did not have any blood stains.

v. As against the co-accused Pratik Desai, learned Sessions Court observed that the role attributed to the said co-accused was of having inflicted injuries with a sword and that the learned Sessions Court had noticed that the deceased did not receive any injury from the sword of the said co-accused, rather, there was only one head injury upon the body of the deceased. The learned Sessions Court had also noticed that the applicant was not seen in the videography and that no blood stains were found on the sword recovered at the behest of the said applicant.

vi. As against the same, as noticed hereinabove, learned Coordinate Bench vide order dated 01.10.2019 had clearly noticed the fact that the allegation against the present applicant was of having inflicted a blow using a sharp edged weapon i.e. Dhariya upon the head of the deceased which had led to his death. Considering that the role attributed to the present applicant is different than the role attributed to the co-accused, as distinguished by

learned Sessions Court, the applicant would not be entitled to be released on the ground of parity.

vii. To this Court, it would appear that even if the roles attributed to the present applicant and the co-accused were similar, the applicant ought not to be released on regular bail also considering the fact that the present applicant has a history of indulging in criminal activity and whereas, the present applicant has around 12 cases registered against him including another offence punishable under Section 302 of the IPC registered in the year 1998, the applicant also has allegations of having committed offences punishable under Sections 307, 324, 397 etc. of the IPC and the applicant has various offences punishable under the Arms Act, it also appears that provisions of PASA Act also had been invoked against the present applicant. Thus, considering the antecedents also, this Court would not be inclined to release the present applicant.

viii. It also appears that while some of the cases have been disposed of as uncontested, yet, it has been pointed out by learned advocate Mr.Jigar Patel for learned advocate Mr.Ashish Dagli for the complainant that the same were

disposed of under Section 258 of the Criminal Procedure Code, more particularly, since the applicant was not traceable/available.

ix. Over and above the same, it would also appear that the applicant is not entitled to be released on regular bail on account of his conduct during the course of incarceration. It would appear in this regard that the present applicant had been released on temporary bail in the year 2017 when he had absconded for a period of 239 days. Over and above the same, it also appears that in the year 2022 when the applicant had been released by the learned Sessions Court, he had absconded for a period of 1238 days i.e. for approximately three and a half years and was apprehended only on 05.12.2025 i.e. very recently.

x. It also appears that during the period when the applicant was absconding from the year 2022 through 2025, two other FIRs also had been registered over and above the 12 FIRs referred to hereinabove. Thus, it would appear that the present applicant has a tendency to indulge in such type of criminal activities.

xi. To this Court, even if all circumstances were

favourable i.e. the role of the applicant being similar to the role of the co-accused and the applicant not having any antecedents whatsoever, even yet, considering the fact that the applicant had absconded and had been arrested very recently after a period of three and a half years, also would dissuade this Court from exercising its discretion in favour of the present applicant.

xii. Over and above the same, it would also appear that the trial is at a very advanced stage. It appears in this regard that while the evidence of the prosecution was almost over, at that stage, the prosecution has moved an application for recall of four witnesses. Thus, it would mean that the trial is at a very very advanced stage and whereas, considering the law laid down by the Hon'ble Apex Court in case of **X vs. State of Rajasthan and Anr. reported in 2024 SCC OnLine SC 3539**, releasing accused in a serious offence like the present one i.e. punishable under Section 302 of the IPC would be counterproductive to the trial itself. Again, it would appear that the said proposition would apply with more force to the case on hand considering the antecedents of the present applicant and also also having regard to the fact that the applicant has

clearly shown that he is a person who has no respect for the rule of law more particularly with the long list of antecedents and with the fact of the applicant having absconded after discretion had been exercised in his favour.

xiii. While learned advocate Mr.Popat would rely upon a certificate issued by the Medical Officer, Sub-Jail Patan on the basis of which learned advocate would try and submit that the applicant is suffering from cancer, yet, to this Court, it would appear that the jail authorities taking appropriate care as regards the present applicant, even on the ground of illness, this Court would not be inclined to consider releasing the present applicant, more particularly, for the reasons noted hereinabove.

7. Having regard to the above observations, the present not being a case where this Court would like to exercise its discretion in favour of the present applicant, the same stands disposed of as rejected. Rule is discharged. Direct service is permitted.

Bhoomi

(NIKHIL S. KARIEL,J)