

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/CRIMINAL MISC.APPLICATION (FOR REGULAR BAIL - AFTER  
CHARGESHEET) NO. 7674 of 2026

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BHAGVAN KISHAN PAVAR

Versus

STATE OF GUJARAT

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Appearance:

MS RIDDHI N YADAV for MR HARDIK H DAVE(6295) for the Applicant(s)  
No. 1

MR NIRAJ SHARMA, APP for the Respondent(s) No. 1

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CORAM:HONOURABLE MR.JUSTICE UTKARSH THAKORBHAI DESAI

Date : 06/04/2026

ORAL ORDER

1. Heard learned advocate appearing on behalf of the  
applicant 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 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. I-70/2018 of 2018 registered with Umargaon Police Station, Valsad, for the offence punishable under Sections 302, 201, 114 of the I.P.C. Act.

4. Learned advocate for the applicant would submit that, the applicant was released on regular bail by the Coordinate Bench vide order passed in Criminal Misc. Application No. 1278 of 2019 on 09.09.2019, subject to conditions. Learned advocate has submitted that, since the applicant is a laborer, he was unable to remain present before the concerned Sessions Court and that, he had no intention to commit breach of the bail order. Henceforth, he shall regularly remain present before the Court till the completion of the trial. Accordingly, this bail application be allowed.

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 the applicant had committed breach of the order of the High Court by not remaining present during the trial for which the learned Sessions Court was compelled to issue non-bailable warrant and also initiate proceeding under Section 82 and 83 of the Cr.P.C. If granted bail he would once again not remain present, resulting in delay of the trial. Hence, this application should be rejected.

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

- i. The applicant is a resident of Umargaon, District – Valsad, hence would be available at the time of trial;
- ii. The applicant does not have any criminal antecedents;
- iii. Learned advocate for the applicant, upon instructions,

submits that, since, the applicant was engaged in labour work, he was unable to remain regularly present before the Court and his absence was unintentional;

iv. Learned advocate for the applicant, upon instructions, submits that henceforth, the applicant undertakes to regularly remain present before the concerned Competent Court;

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. I-70/2018 of 2018 registered with Umargaon Police Station, Valsad, 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] Rs. 25,000/- towards cost to be paid before the District Legal Services Authority at Valsad, prior to his release from jail,

[b] not take undue advantage of liberty or misuse liberty;

[c] not act in a manner injurious to the interest of the prosecution;

[d] 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;

[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] not leave District - Valsad, without prior permission of the concerned Court till the completion of trial;

[g] mark his presence on every Sunday before the concerned police station till completion of the trial;

[h] not indulge in similar kind of offence hereinafter, for which, he shall file an affidavit 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 sessions 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. The application is allowed in the aforesaid terms. Rule is made absolute to the aforesaid extent. Direct service is permitted.

**(UTKARSH THAKORBHAI DESAI, J)**

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