

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD****R/CRIMINAL MISC.APPLICATION (FOR REGULAR BAIL - AFTER  
CHARGESHEET) NO. 7710 of 2026**

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JAYDEEP HARESHBHAI BHALIYA

Versus

STATE OF GUJARAT

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Appearance:

MR.MINHAJ M SHAIKH(6847) for the Applicant(s) No. 1

MR JK SHAH ADDITIONAL PUBLIC PROSECUTOR for the Respondent(s) No. 1

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**CORAM:HONOURABLE MR. JUSTICE NIKHIL S. KARIEL****Date : 06/04/2026****ORAL ORDER**

1. Heard learned advocate Mr. M.M. Shaikh appearing on behalf of the applicant and learned Additional Public Prosecutor Mr. J.K. Shah 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. 11193053250223 of 2025** registered with **Savarkundla Rural Police Station, District : Amreli**, for the offence punishable under Sections 103(1), 189(2), 191(2), 191(3), 190, 352, 127(2) and 351(2) of the BNS and Section 135 of the GP 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 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 the discretion in favour of the applicant and the application may be dismissed.

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

- (i) The allegation being of having done the deceased to death, and whereas, it would prima facie appear that the present applicant was present on the spot;
- (ii) The role attributed to the present applicant is of having assaulted the deceased with a plastic pipe, and whereas it would appear that the postmortem note reflects that the deceased had been inflicted with around 27 injuries, most of the injuries being contusion wounds, which would imply that the assault was with a solid weapon which would also include a plastic pipe held by the present applicant.

(iii) Having observed as above, this Court has considered the fact that the other accused in the FIR were the grandfather of the applicant, father of the applicant, his uncle as well as his cousin brother etc. and whereas cousin brother of the present applicant had been released inter alia on the consideration that the accused was alleged to have an extra-marital affair with the daughter-in-law of accused no.1 i.e grandfather and the cousin in question was son of the lady in question.

(iv) This Court had also taken into consideration the fact that the said applicant was aged around 21 years.

(v) As against the same it would appear here that father and grandfather of the present applicant were the accused and whereas the allegation of having inflicted serious injuries with a stick, are attributable to the father and uncle of the present applicant and whereas the main accused appeared to be the grandfather.

(vi) It would also appear that the present applicant is aged around 22 years probably following instructions of his father and grandfather being custody since 16.06.2025 and having no antecedents whatsoever.

(viii) Considering the above aspect though prima facie it would appear that the present applicant may have a major role to play in the offence yet, this Court is inclined albeit with appropriate safeguards.

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. 11193053250223 of 2025** registered with **Savarkundla Rural Police Station, District : Amreli**, on executing a 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 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 proposed 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 before Gariyadhar police station once every 15 days for a period of one year;**

**[g] not enter Amreli District for a period of one year.**

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 free to take appropriate action in the matter.

11. 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.

12. 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 for being released on regular bail.

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

**(NIKHIL S. KARIEL,J)**

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