

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/CRIMINAL MISC.APPLICATION (FOR REGULAR BAIL - BEFORE
CHARGESHEET) NO. 7809 of 2026

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JAVED DILAWARKHAN PATHAN

Versus

STATE OF GUJARAT

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Appearance:

MR HB CHAMPAVAT(6149) for the Applicant(s) No. 1

MR HARDIK MEHTA DDL. PUBLIC PROSECUTOR for the Respondent(s)
No. 1

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CORAM:HONOURABLE MR. JUSTICE NIKHIL S. KARIEL

Date : 07/04/2026

ORAL ORDER

1. Heard learned advocate Mr.H.B.Champavat appearing on behalf of the applicant and learned Additional Public Prosecutor Mr.Hardik Mehta 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. 11191021260030 of 2026 registered with Gaekwad Haveli Police Station, Ahmedabad City** for the offence punishable under Sections 109, 118(2), 54 of the BNS 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 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, this Court may not exercise the 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. Allegation being that the accused had assaulted the complainant party resulting in injuries co-relatable with offence punishable under Section 109 of the BNS Act.
- ii. The fact of there being a cross FIR and both the parties appearing to have sustained injuries, more particularly, the applicant also appears have sustained injuries as per the cross FIR.
- iii. It would also appear that insofar as the present FIR is concerned, the applicant is alleged to have inflicted stick blows.
- iv. Accused having similar role, having been enlarged by the learned Sessions Court.
- v. The fact of the serious injuries having been inflicted by accused Aarif having not been considered till now.
- vi. Though there are three antecedents, considering the limited role, this Court is inclined albeit with appropriate safeguards.

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.

7. 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.

8. 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. 11191021260030 of 2026 registered with Gaekwad Haveli Police Station, Ahmedabad City**, on executing a bond of Rs.15,000/- (Rupees Fifteen 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] not to enter Ahmedabad City till filing of the charge-sheet;

[f] after charge-sheet is filed, mark presence once a month for a period of six months before the concerned police station.

9. 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.

10. 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.

11. 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.

12. 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./05-DB