

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CRIMINAL MISC.APPLICATION (FOR SUCCESSIVE REGULAR BAIL -
AFTER CHARGESHEET) NO. 9144 of 2026**

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GULAMALI UMARBHAI JEDA (AS PER CHARGESHEET)
Versus
STATE OF GUJARAT

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Appearance:

MOHAMADZAID I SAIYED(8411) for the Applicant(s) No. 1
MS SAHISTA S KHOKHAR(11116) for the Applicant(s) No. 1
MR HARDIK SONI ADDL. PUBLIC PROSECUTOR for the Respondent(s) No. 1

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CORAM:HONOURABLE MR. JUSTICE NIKHIL S. KARIEL**Date : 09/07/2026****ORAL ORDER**

1. Heard learned advocate Mr. M.I. Saiyed appearing on behalf of the applicant and learned Additional Public Prosecutor Mr. Hardik Soni 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. 11189002240843 of 2024 registered with Maliya Miyana Police Station, Morbi, for the offence punishable under Sections 103(1), 109(1), 118(1), 115(2), 189(3), 189(4), 191(2), 191(3), 190, 352, 351(3), 3, 5, 111(1), 111(2)(a), 11(3), 111(4) of the BNS and Sections 25(1-b)(a), 27(1), 27(2) of the Arms Act and Section 135 of the Gujarat Police 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. I have heard learned advocates appearing on behalf of the respective parties and perused the papers. Following aspects are considered:

- (i) The allegation being very serious inasmuch as the accused had assaulted the complainant party leading to death one person of the complainant party.
- (ii) As against the same, it would appear that while the death of one person of the complainant party i.e. Haiderali is attributed to a gunshot wound caused by a co-accused and whereas only allegation against the present applicant, who was undoubtedly present on the spot being that he had assaulted the deceased with an iron rod on his chest. Beyond the same, there are no other specific serious allegation against the present applicant.

- (iii) This Court has also perused the PM Note and whereas it would appear that there is no injury reflected as regards the assault by the present applicant. It also appears that the deceased had died on account of gunshot wound as per cause of death stated in the PM Note.
- (iv) This Court also notices that present applicant does not have any antecedents whatsoever.
- (v) Considering the limited role attributed to the present applicant and having regard to the fact that the present applicant is in custody since 26.08.2025 and for the reasons stated hereinabove, this Court has is inclined to consider this application, 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. 11189002240843 of 2024 registered with Maliya Miyana Police Station, Morbi, on executing a bond of Rs.50,000/- (Rupees Fifty 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 Morbi District for a period of one year.

[f] mark presence once a month for a period of one year before the Joravarnagar police station, Surendranagar.

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.

Y.N. VYAS

(NIKHIL S. KARIEL,J)