

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CRIMINAL MISC.APPLICATION (FOR REGULAR BAIL - AFTER
CHARGESHEET) NO. 9562 of 2026**

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RAMESHJI CHANDAJI THAKOR & ORS.

Versus

STATE OF GUJARAT

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Appearance:

MR ASHISH M DAGLI(2203) for the Applicant(s) No. 1,2,3,4

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

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CORAM:HONOURABLE MR. JUSTICE NIKHIL S. KARIEL**Date : 23/04/2026****ORAL ORDER**

1. Heard learned advocate Mr. Ashish Dagli appearing on behalf of the applicants 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 applicants have filed this application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 for enlarging the applicants on Regular Bail in connection with FIR being **C.R. No. 11195007250649 of 2025 registered with Bhabhar Police Station, Dist. Banaskantha**, for the offence punishable under Sections 103(1), 115(2), 118(1), 118(2), 109(1), 189(2), 191(2), 191(3) and 190 of the Bhartiya Nyay Sanhita.

4. Learned Advocate for the applicants would submit that considering the role attributed to the applicants, and nature of the allegation levelled, the applicants 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 applicants in jail for indefinite period. It is further contended that the applicants are 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 applicants as coming out from the charge-sheet, this Court may not exercise the discretion in favour of the applicants and the applications 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 that the accused had assaulted the complainant party resulting in death of two persons. It would appear in this regard that the present appears to be a case of two different incidents namely; the complainant party appearing to be assailant in the first incident where the complainant party had gone to shop of the accused party and whereas the accused party having retaliated. The second part being that when the complainant party upon being assaulted by the accused party were going to the hospital for treatment and on the way, they were waylaid by the accused party and again

assaulted.

- (ii) It would appear in this regard that while one of the deceased, one Laduben, who was present at the site and who appears to have died on account of natural causes and whereas other deceased namely Jesangji Lalji Thakore had died of head injury.
- (iii) It would appear that FIR as well as statements refer very clearly to the person, who had caused the head injury i.e. one Vikrambhai Rameshji Thakor and others.
- (iv) It would appear that while the investigation reveals that the applicants were present at the site of the offence and whereas it would also appear that applicants no. 2, 3 and 4 have not been attributed any specific role whereas the applicant no. 1 has been attributed the role of assaulting one Mahesh Balwantji Thakor and also dashing his vehicle with one Bhagwanji Keshaji Thakor.
- (v) Furthermore, it also appears that since the present is a case of cross complaint the present applicants being the complainant of the said cross complaint, the possibility of the applicants having been arraigned as accused, without their presence also could not be discounted at this stage.
- (vi) The fact of the applicants no. 1, 2, and 4 not having any antecedents whereas applicant no. 3 having one antecedent under the Prohibition Act.

- (vii) The fact of the charge-sheet having been laid by the Investigating Officer and the applicant being in custody since 25.08.2025.

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 applicants 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 applicants on regular bail.

8. Hence, the present applications are allowed. The applicants are ordered to be released on bail in connection with F.I.R. registered as **C.R. No.11195007250649 of 2025 registered with Bhabhar Police Station, Dist. Banaskantha**, on executing a bond of **Rs.25,000/- (Rupees Twenty Five Thousand only) each** with one surety of the like amount to the satisfaction of the trial Court and subject to the conditions that they 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] mark presence once a fortnight for a period of six months before the Radhanpur police station.

(v) not to enter Taluka Vav Tharad for a period of six months

9. The Authorities will release the applicants only if they are 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 applicants for being released on regular bail.

12. The applications are 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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