

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CRIMINAL MISC.APPLICATION (FOR REGULAR BAIL - AFTER
CHARGESHEET) NO. 10352 of 2026**

=====

JAFARBHAI UMARBHAI JOKHIYA

Versus

STATE OF GUJARAT

=====

Appearance:

MR MAULIK NANAVATI WITH MR KISHAN PATEL FOR NANAVATI & CO.
(7105) for the Applicant(s) No. 1MR TRUPESH KATHIRIYA ADDITIONAL PUBLIC PROSECUTOR for the
Respondent(s) No. 1

=====

CORAM:HONOURABLE MR. JUSTICE NIKHIL S. KARIEL**Date : 06/05/2026****ORAL ORDER**

1. Heard learned Advocate Mr. Maulik Nanavati with learned Advocate Mr. Kishan Patel for M/s Nanavati for Nanavati & Co. on behalf of the applicant and learned Additional Public Prosecutor Mr. Trupesh Kathiriya for 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. 11193050250710 of 2025 registered with Rajula Police Station, District: Amreli** for the offence punishable under Sections 109(1), 117(2), 115(2), 351(3), 54, 103(1) of the Bhartiya Nyaya Sanhita, 2023 and Section 135 of the Gujarat Police

Act.

4. Learned Advocates for the applicant 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 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) Allegation being very serious that is the accused had assaulted the deceased.

(ii) The role attributed to the present applicant is of having participated in the assault.

(iii) It would appear in this regard that as per the case of the

complainant, which is allegedly fortified in the charge-sheet, the accused no. 1 had dashed his Car against the bike of the deceased who was travelling with another person and whereas upon the deceased falling down the accused no. 1 and the present applicant and other accused are stated to have assaulted the deceased leading to his death.

(iv) As against the same, the charge-sheet paper inter alia reveals screenshots of a CCTV Footage, which was taken from the bungalow of the Sub Divisional Magistrate of the said area and whereas it would appear on a bare perusal of the said CCTV footage that the assault, had taken place somewhere around 11.29 AM whereas the present applicant is seen passing on his bike from the other side area at 11.21 AM and the screenshots further show that at around 11.29 AM while the accused no. 1 is assaulting the deceased, the present applicant is walking towards the place of the incident and after one and half minute he is seen holding the hands of accused no. 1 and pushing him towards the other side.

(v) It also appears that the CCTV Footage, clearly reflects that while the present applicant, is seen going towards scene of offence and at 11:29: 40 hours within 1 minute and 20 seconds that is within 11.31:02 hours the applicant is walking back holding the accused who is still having his stick and pushing him towards the other side. The deceased is not seen in the visual but prima facie the body language clearly suggests that the present applicant is pushing the accused no. 1 away from the scene of the offence.

(vi) It also appears that thereafter the applicant had picked up his mobile to talk to someone and the said situation continues for few seconds more. Thereafter, the present applicant is seen walking with accused no. 1 to a completely different side.

(vii) While learned APP, relies upon statement of one Firozbhai Jokhiya, who was allegedly travelling with the deceased in the motorcycle, and wherein it is stated that the present applicant had alighted from a four wheeler and had assaulted the deceased using a pipe, yet, the same, does not appear to be a correct position since it is clear that the assault had happened even according to the said witness across the house of the SDM, Rajula, at around 11:30 AM that is corresponding to the visuals found CCTV footage and whereas the role of the present applicant, is clearly not as attempted to be implicated by either the witness or the Investigating Officer and hence prima facie to this Court it would appear that the present applicant has been wrongly implicated in the offence.

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 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 application is allowed. The applicants are ordered to be released on bail in connection with F.I.R. being **C.R. No. 11193050250710 of 2025 registered with Rajula Police Station, District: Amreli**, on executing a bond of **Rs.5,000/- (Rupees 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 Judge concerned;
- [e] mark presence once with the concerned Police Station once in a month for a period of three months.
- [f] 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 residential address without prior intimation to the Investigating Officer.

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 applicants 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.

NIRU

(NIKHIL S. KARIEL,J)