

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CRIMINAL APPEAL (REGULAR BAIL - AFTER CHARGESHEET) NO.
1159 of 2025**

=====

SHABIR BODUBHAI KHAFI
Versus
STATE OF GUJARAT & ANR.

=====

Appearance:

MR SAGAR H DANGAR(11821) for the Appellant(s) No. 1
NISHITH P ACHARYA(9308) for the Appellant(s) No. 1
HCLS COMMITTEE(4998) for the Opponent(s)/Respondent(s) No. 2
MR PK SHUKLA(1056) for the Opponent(s)/Respondent(s) No. 2
MR. HARDIK SONI, LD. ADDL. PUBLIC PROSECUTOR for the Opponent(s)/
Respondent(s) No. 1

=====

CORAM:HONOURABLE MR. JUSTICE DIVYESH A. JOSHI**Date : 24/06/2025****ORAL ORDER**

1. Rule returnable forthwith. Learned APP waives service of notice of rule for and on behalf of the respondent-State and learned advocate Mr. P.K. Shukla waives service of notice of rule for and on behalf of the respondent No.2-original complainant.
2. The present appeal is filed by the appellant under Section 14-A of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocity) Act, 2015, for regular bail in connection with the FIR being C.R. No.11202008242285 of 2024 registered with the City 'A' Division Police Station, Jamnagar for the alleged offences as mentioned in the FIR.
3. Learned advocate appearing for the appellant has submitted that the appellant-accused was arrested on

16.01.2025 and since then he is in jail. Learned advocate for the appellant has also submitted that the investigation has already been completed and charge-sheet has also been filed. Learned advocate for the appellant has submitted that initially the FIR came to be filed against the applicant and some unknown persons, however, during the course of investigation, two accused persons have also been arrested and then charge-sheet came to be filed against all the accused persons. He has further submitted that the co-accused person, having similar role than that of the appellant, has already been enlarged on bail by the trial court. Moreover, the complainant has already been discharged from the hospital. Under the circumstances, learned advocate for the appellant prays that the appellant may be enlarged on bail on any suitable terms and conditions.

4. The learned APP appearing on behalf of the respondent-State has opposed grant of regular bail looking to the nature and gravity of the offence. Learned APP has submitted that considering the role attributed to the appellant-accused, this is a fit case wherein discretionary power of this Court is not required to be exercised in favour of the appellant-accused.

5. Learned advocate Mr. Shukla appearing for the original complainant has also objected the present appeal. He has submitted that the name of the appellant is there in the FIR from the very inception. He has also submitted that the offence committed by the appellant is quite serious in nature, which is punishable with life imprisonment. Moreover, the appellant is having past criminal antecedents. Thus, considering the role attributed to the appellant-accused, this is

a fit case wherein discretionary power of this Court is not required to be exercised in favour of the appellant-accused.

6. The learned advocates appearing on behalf of the respective parties do not press for further reasoned order.

7. I have heard the learned advocates appearing on behalf of the respective parties and perused the papers of the investigation and considered the allegations levelled against the appellant and the role played by the appellant. This Court has also considered the following aspects;

- a) That the investigation has already been completed and charge-sheet has also been filed;
- b) That the similarly situated co-accused has already been released on bail by the trial court;
- c) That the appellant-accused is in jail since 16.01.2025;
- d) That the complainant has already been discharged from the hospital;

8. This Court has also 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.

9. In the facts and circumstances of the case and considering the nature of the allegations made against the appellant in the FIR, 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 appellant on regular

bail.

10. Hence, the present appeal is allowed and the appellant is ordered to be released on regular bail in connection with the FIR being C.R. No.11202008242285 of 2024 registered with the City 'A' Division Police Station, Jamnagar, on executing a personal 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 injuries 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 before the concerned Police Station on alternate Monday of every English calendar month for a period of six months between 11:00 a.m. and 2:00 p.m.;
- [f] furnish the present address of residence to the Investigating Officer and also to the Court at the time of execution of the bond and shall not change the residence without prior permission of this Court;
- [g] not to enter into the revenues limits of Jamnagar City and Jamnagar Taluka for a period of six months, except to mark presence before the concerned police station and to attend the court proceedings;

11. The authorities will release the appellant 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 Judge concerned will be free to issue warrant or take appropriate action in the matter.

12. 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.

13. At the trial, the trial Court shall not be influenced by the observations of preliminary nature qua the evidence at this stage made by this Court while enlarging the appellant on bail. Rule is made absolute to the aforesaid extent.

Direct service is permitted.

(DIVYESH A. JOSHI,J)

VAHID

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: ABDULVAHID ABDULSATTAR SHAIKH(HC00955), PRINCIPAL PRIVATE SECRETARY, at High Court of Gujarat on 24/06/2025 17:44:14