

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CRIMINAL MISC.APPLICATION (FOR SUCCESSIVE REGULAR BAIL -
AFTER CHARGESHEET) NO. 10116 of 2026**

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MOHAMMAD SHOBAN IMTIYAZ SHAIKH

Versus

STATE OF GUJARAT

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Appearance:

MR AKASH A SINGH FOR NANAVATI ASSOCIATES(1375) for the Applicant(s)
No. 1

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

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CORAM:HONOURABLE MR. JUSTICE NIKHIL S. KARIEL**Date : 04/05/2026****ORAL ORDER**

1. Heard learned Advocate Mr. Akash Singh for M/s Nanavati Associates on behalf of the applicant and learned Additional Public Prosecutor Mr. J.K. Shah for the respondent-State.

2. **Rule.** Learned APP waives service of rule on behalf of the respondent-State.

3. The present applicant who has been arraigned as an accused has preferred 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. 11199011250790 of 2025 registered**

with Bharuch (Rural) Police Station, Bharuch for offences punishable under Sections 103(1), 352, 54 of the Bhatiya Nyay Sanhita, 2023 and Section 135 of the Gujarat Police Act after filing of the charge-sheet more particularly the application preferred by the applicant having been rejected by the learned Trial Court.

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. This Court has heard learned Advocates appearing on behalf of the respective parties and perused the papers. Following aspects are considered:-

(i) Allegation in the FIR being for offence punishable under Section 103(1) of the BNS more particularly the present applicant is alleged to be the accused who had caused the fatal injuries.

(ii) Prima facie upon hearing the learned Advocates and having perused the documents on record including the charge-sheet papers it would appear that the incident had happened at the spur of the moment.

(iii) It would appear that the present applicant at the relevant point of time was the fiancée of accused no. 1-Gajaalabanu and whereas the allegation being that the deceased, and the accused residing in the same society, had admonished Gajaalabanu for the said accused playing loud music and whereas it would appear that the present applicant had intervened during the course of altercation.

(iv) The present applicant is stated to have assaulted the deceased inflicting fist and kick blows.

(v) There does not appear to be any weapon used during the course of the assault. It also appears that unfortunately, the deceased appears to be suffering from some heart ailments and whereas the deceased could not sustain the blows inflicted by the present applicant. Even the Post Mortem report, reflects that the injuries had been sustained using blunt blows and and whereas does not reflect any weapons having been used.

(vi) This Court has also considered the fact that the present applicant is young person aged around 27 years, in custody since 25.11.2025 and whereas the present applicant is stated not to have any antecedents.

7. Considering the manner in which the incident had happened, and considering the other factors as discussed above, this Court is inclined to consider the present application.

8. 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**.

9. 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.

10. Hence, the present application is allowed. The applicant is ordered to be released on bail in connection with FIR being **C.R. No. 11199011250790 of 2025 registered with Bharuch (Rural) Police Station, Bharuch** on executing a bond of **Rs.25,000/- (Rupees Twenty 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 Court concerned;

[e] Mark his presence at Sarkhej Police Station, Ahmedabad once in a month for a period of one year;

[f] **except for attending the trial shall not enter into Bharuch District for a period of six months; from the date of release.**

[g] 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 permission of the Sessions Court;

11. 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 Judge concerned will be free to 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 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.

14. The application is allowed in the aforesaid terms. Rule is made absolute to the aforesaid extent. Direct service is permitted.

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(NIKHIL S. KARIEL,J)