

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CRIMINAL MISC.APPLICATION (FOR SUCCESSIVE REGULAR BAIL -
AFTER CHARGESHEET) NO. 10857 of 2026**

=====

BHIMABHAI KARSHANBHAI TAPARIYA
Versus
STATE OF GUJARAT

=====

Appearance:

MR DARSHIT M KAMDAR(11467) for the Applicant(s) No. 1
MR HARDIK SONI, ADDL. PUBLIC PROSECUTOR for the Respondent(s)
No. 1

=====

CORAM:HONOURABLE MR. JUSTICE NIKHIL S. KARIEL**Date : 05/08/2026****ORAL ORDER**

1. Heard learned advocate Mr.Ashish Dagli with learned advocate Mr.Darshit Kamdar 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. 11186003240286/2024 registered with Navabandar Marine Police Station, Gir-Somnath for the

offence punishable under Sections 302, 114, 449 of the IPC, Section 135 of the G.P. Act and Sections 25(1-b)(a), 27 of the Arms 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 is alleged to have done the deceased to death.
- ii. It would appear in this regard that the applicant is the sole accused and whereas, there is prima facie material against the present applicant, more particularly, of having done the deceased to death using a fire arm.
- iii. As against the same, this Court notices that the present applicant also has five antecedents, starting from the year 2016 i.e. under the Arms Act, under the Motor Vehicles Act, for the offence under Section 394 of the IPC etc.
- iv. Having noticed as above, this Court seeks to observe that a report had been called for from the learned Trial Court and whereas, it would appear that the learned Trial Court has inter alia informed that the case was committed to the learned Trial Court only on 11.03.2026 whereas, it would appear that the present applicant is in custody since 07.04.2024.
- v. This Court has also noticed that the trial has not yet commenced and whereas, there are a total of 66 witnesses.
- vi. Considering such a situation, since the trial may take

substantial long time to complete while this Court is inclined to release the present applicant only on the ground of delay in trial, appropriate safeguards are required to be imposed.

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. 11186003240286/2024 registered with Navabandar Marine Police Station, Gir-Somnath, on executing a bond of Rs.1,00,000/- (Rupees One Lakh 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 Districts: Gir-Somnath, Porbandar and Junagadh for a period of one year except for the purpose of attending the trial/marking presence, if the same is the condition in any bail order;

[g] mark presence at Mundra Police Station, Kuchchh once a fortnight for a period of one year and thereafter once a month till the trial concludes before the concerned police station.

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.

Bhoomi

(NIKHIL S. KARIEL,J)