

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CRIMINAL MISC.APPLICATION (FOR SUCCESSIVE REGULAR BAIL -
AFTER CHARGESHEET) NO. 11000 of 2026**

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CHETANBHAI VAKHATRAM BUBADIYA
Versus
STATE OF GUJARAT

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Appearance:

MR VISHVAJITSINH D CHAUHAN(10160) for the Applicant(s) No. 1
MR.KISHAN PRAJAPATI(7074) for the Applicant(s) No. 1
MR KISHAN R CHAKWAWALA(9846) for the Respondent(s) No. 1
MR MEET A SHAH(12392) for the Respondent(s) No. 1
MR JK SHAH, ADDL. PUBLIC PROSECUTOR for the Respondent(s) No. 1

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CORAM:HONOURABLE MR. JUSTICE NIKHIL S. KARIEL**Date : 07/08/2026****ORAL ORDER**

1. Heard learned advocate Mr.Zubin Bharda with learned advocate Mr.Kishan Prajapati appearing on behalf of the applicant, learned Additional Public Prosecutor Mr.J.K.Shah appearing on behalf of the respondent-State and learned advocate Mr.Manan Doshi for learned advocate Mr.Kishan Chakwawala appearing on behalf of the original complainant.

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. 11209003220233/2022 registered with Kheroj Police Station, Sabarkantha for the offence punishable under Sections 143, 147, 148, 149, 307, 427, 435, 120(b), 201, 212 of the IPC, Section 25(1-b)(a), 27 of the Arms Act and Section 135 of the G.P.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 and learned advocate Mr.Doshi for the original complainant have 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 that the accused had an enmity with the complainant more particularly on account of the complainant having married a lady from the community of the present applicant and whereas, the applicant having attempted to extort some money from the complainant and the complainant having filed an earlier complaint and after the applicant was released on bail, he is alleged to have attacked the complainant.

ii. It is alleged that the applicant and his henchman had gone and attacked the complainant and had fired at the complainant and whereas, it is under which circumstances, offence punishable under Section 307 of the IPC has been alleged.

iii. This Court has also noticed that the present applicant has a long list of antecedents inasmuch as the applicant is stated to be an accused in around six offences in the State

of Gujarat and accused in around 30 offences in the State of Rajasthan.

iv. As against the same, this Court notices that the primary allegation against the present applicant was of having fired at the complainant outside the house of the complainant and also when the complainant was inside the house. There is a further allegation that co-accused also had fired at the complainant.

v. In this regard, attention of this Court is drawn to the report by the Directorate of Forensic Sciences and whereas, it would appear that after a minute examination of the place of offence, the Directorate of Forensic Sciences could not found any marks of any bullets or evidence of gun shots having been fired.

vi. Considering such a position, it would prima facie appear that the complaint may have been exaggerated.

vii. While learned APP Mr.Shah and learned advocate Mr.Doshi would draw the attention of this Court to the antecedents of the applicant, yet, to this Court, it would appear that unless a prima facie case is not made out against the present applicant in the present case, the

antecedents may not come into play. It is only after a prima facie case made out against the accused in the present application, would the aspect of the antecedents be a relevant consideration.

viii. This Court has also considered that the applicant is in custody since 09.02.2025.

ix. Having regard to the above aspects, this Court is inclined to consider this application.

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. 11209003220233/2022 registered with

Kheroj Police Station, Sabarkantha, 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 and Rajasthan 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 and thereafter once a month for a period of further six months 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)