

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/CRIMINAL MISC.APPLICATION (FOR REGULAR BAIL - AFTER
CHARGESHEET) NO. 16220 of 2026**

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MANUBHAI BACHUBHAI MONAPARIYA & ANR.
Versus
STATE OF GUJARAT

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Appearance:
MR Y J PATEL(3985) for the Applicant(s) No. 1,2
MR KRUTIK PARIKH, APP for the Respondent(s) No. 1

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CORAM:HONOURABLE MR. JUSTICE HASMUKH D. SUTHAR

Date : 17/08/2026

ORDER

[1.0] **RULE.** Learned APP waives service of rule for the respondent-State.

[2.0] The present application is filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short "BNSS") for regular bail in connection with FIR being **C.R. No.11198020260105 of 2026** registered with **Ghogha Police Station, Bhavnagar** for the offences punishable under Sections 103(1), 118(1), 118(2), 115(2), 352 and 54 of the Bharatiya Nyaya Sanhita, 2023 (for short "BNS") and section 135 of the Gujarat Police Act.

[3.0] Learned advocate appearing on behalf of the applicants submits that applicants are innocent and has been falsely implicated in the offence and now nothing is required to be recovered or discovered. He therefore submits that, considering the nature of the offence, the applicants may be enlarged on regular bail by imposing suitable conditions.

[4.0] Learned APP appearing on behalf of the respondent-State has opposed the present application and requested to dismiss the present application for regular bail looking to the nature and gravity of the offence.

[5.0] While granting bail, the Court has to consider the involvement of the accused in the alleged offence, the jurisdiction to grant bail has to be exercised on the basis of the well settled principles having regard to the facts and circumstances of each case and the following factors are to be

taken into consideration while considering an application for bail: (i) the nature of accusation and the severity of the punishment and the nature of the materials relied upon by the prosecution; (ii) reasonable apprehension of tampering with the witnesses and threat to the complainant or the witnesses; (iii) reasonable possibility of securing the presence of the accused at the time of trial or the likelihood of his abscondence; (iv) character behaviour and standing of the accused and the circumstances which are peculiar to the accused; (v) larger interest of the public or the State and similar other considerations are required to be considered.

[6.0] I have heard the learned advocates appearing on behalf of the respective parties and perused the investigation papers. Following aspects have been considered:

- (1) investigation is over and charge-sheet is filed;
- (2) applicants are aged 26 years and behind the bars since 23.02.2026;
- (3) There is nothing to be recovered or discovered from the applicants;
- (4) Obviously commencement and conclusion of trial will take some time;
- (5) Initially, the complaint was filed on 19.02.2026 under Sections 118(1), 118(2), 115(2), 352 and 54 of the Bharatiya Nyaya Sanhita, 2023 (for short, "BNS"). During the pendency of the proceedings, the deceased succumbed to his injuries. Subsequently, Section 103 of the BNS came to be invoked.
- (6) It appears that initially the complaint was filed against unknown persons. Further, upon perusing the record, it appears that the complainant and the present applicants belong to the same vicinity. The applicants/accused were known to the complainant; however, their names were nowhere stated. Subsequently, a statement was recorded stating that though settlement talks were going on between the parties, the names of the applicants were not disclosed. The deceased succumbed to his injuries on 23.02.2026. Though initially he was shifted to the hospital with a simple injury,

he was discharged from the hospital. Thereafter, due to stomach-related issues, he was again admitted to the hospital, but he refused treatment. He was subsequently readmitted and ultimately succumbed to his injuries.

- (7) Upon perusing the P.M. Note, it clearly reveals that, in Column No. 17 of the charge-sheet, all the injuries were superficial. Subsequently, it appears from the P.M. Note that there was a cavity in the abdomen and yellowish-green pus was found in the other internal organs.
- (8) Applicant No. 1 has two past antecedents, one under the Prohibition Act, in which he was acquitted, and another under Section 304-A of the IPC, in which he was convicted; however, an appeal against the said conviction is pending.
- (9) Applicant No. 2 has no past antecedents.

[7.0] This Court has also taken into consideration the law laid down by the Hon'ble Apex Court in the case of **Sanjay Chandra vs. Central Bureau of Investigation** reported in **[2012]1 SCC 40** as well as in the case of **Gudikanti Narasimhulu And Ors vs. Public Prosecutor, High Court of Andhra Pradesh** reported in **(1978)1 SCC 240**. Obviously, the conclusion of trial will take time and keeping the accused behind the bars is nothing but amounts to pre-trial conviction and therefore, considering the celebrated principle of bail jurisprudence is that "*bail is a rule and jail is exception*" as well as the concept of personal liberty guaranteed under Article 21 of the Constitution of India, present application deserves consideration.

[8.0] In the facts and circumstances of the case and considering the nature of the allegations made against the applicants 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 applicants on regular bail. Hence, the present application is allowed. The applicants are ordered to be released on regular bail in connection with FIR being **C.R. No.**

11198020260105 of 2026 registered with **Ghogha Police Station, Bhavnagar** on executing a personal bond of Rs.25,000/- (Rupees Twenty-five Thousand only) each with one surety of the like amount to the satisfaction of the trial Court and subject to the conditions that they shall;

- (a) not take undue advantage of liberty or misuse liberty;
- (b) not act in a manner injurious to the interest of the prosecution & shall not obstruct or hamper the police investigation and shall not to play mischief with the evidence collected or yet to be collected by the police;
- (c) surrender passport, if any, to the Trial Court within a week;
- (d) not leave the State of Gujarat without prior permission of the Trial Court concerned;
- (e) mark presence before the concerned Police Station once in a month for a period of six months between 11.00 a.m. and 2.00 p.m.;
- (f) furnish the UIDAI Number, Contact Number/s, Passport Number (if he is having the passport), E-mail address and present address of his 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 Trial Court;

[9.0] The authorities will release the applicants only if they are 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.

[10.0] 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.

[11.0] 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 applicants on bail.

[12.0] Rule is made absolute to the aforesaid extent. Direct service is permitted.

KUMAR ALOK

(HASMUKH D. SUTHAR,J)