

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CRIMINAL APPEAL (REGULAR BAIL - AFTER CHARGESHEET) NO.
2498 of 2025**

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MELABHAI SONDABHAI MARU (BHARVAD)
Versus
STATE OF GUJARAT & ANR.

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Appearance:

MR P B KHAMBHOLJA(5730) for the Appellant(s) No. 1
MR.NAYANKUMAR V SHUKLA(10184) for the Opponent(s)/Respondent(s)
No. 2
MR. HARDIK SONI, LD. ADDL. PUBLIC PROSECUTOR for the
Opponent(s)/Respondent(s) No. 1

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CORAM:HONOURABLE MR. JUSTICE DIVYESH A. JOSHI**Date : 03/10/2025****ORAL ORDER**

1. Rule returnable forthwith. Learned APP waives service of notice of rule for respondent – State of Gujarat and learned advocate Mr. Nayankumar Shukla waives service of notice of rule for and on behalf of the original complainant.

2. The present appeal is filed under Section 14-A of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989 for regular bail in connection with the FIR being C.R. No.I-11214046250744 of 2025 registered with the Palsana Police Station, Surat Rural, for the offence punishable under Sections 103(1), 118(2), 118(1), 117(2), 189(2), 189(4), 190, 191(2), 351(2)(3), 352 of the Bharatiya Nyaya Sanhita, 2023, Section 135 of G.P. Act, Sections 3(2)(5) of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989 and Sections 180 and 181 of the Motor Vehicle Act.

3. Learned advocate Mr. P.B. Khambholja appearing for the applicant submits that the so-called incident occurred on 07.05.2025 and on same day FIR was registered against total 12 persons wherein name of the present applicant is mentioned at serial no.4. He further submits that the present application is filed after submission of charge-sheet, the investigation has already been concluded, the appellant is arrested on 09.05.2025, and since then, he is in judicial custody. He further submits that so far as the role of the present applicant is concerned, he was available at the place of occurrence and gave kick and fist blows to the complainant as well as injured witnesses except that no other specific role is attributed to him. He further submits that it is a specific case of the prosecution that incident occurred in two parts, first, in the evening, at that relevant point of time, verbal exchanges took place between the parties and main accused Rahul had abused the complainant and other persons, and therefore, they had gone to house of Rahul, at that relevant point of time, all the accused persons met and the so-called incident occurred. He further submits that it is a specific case of the prosecution that in the middle of the fight Rahul had made a phone call, and therefore, present applicant went to the place of occurrence and so-called unfortunate incident occurred. The deceased himself had registered the FIR and after two days of occurrence of incident he passed away, therefore, a report was submitted for addition of Section 103 of BNS. Learned advocate Mr. Khambholja submits that entire incident was captured in CCTV footages, and role of the applicant herein clearly found out that he has not actively participated in commission of crime, merely presence at the place of

occurrence and abused to the complainant and witnesses. He further submits that no weapons have been recovered from the custody of present applicant and no blood stains have been found from the cloths of the present applicant. He further submits that there are no antecedents against the present applicant. Considering the above-stated factual aspects of the matter, bail application of the applicant may be entertained by imposing suitable terms and conditions.

4. Learned APP Mr. Soni appearing for the respondent- State has opposed the present application with vehemence and submits that entire incident has been captured in the CCTV and footages, and the same has been recovered by the investigating officer, wherein involvement of the applicant in commission of crime is found out, as he was found available at the place of occurrence and used abusive language towards the complainant and witnesses. Considering the above-totality of the facts of the matter, the present appeal may not be entertained.

5. Learned advocate Mr. N. V. Shukla appearing for the respondent No.2-original complainant ha submits that almost all arguments have already been canvassed by the learned APP, therefore, he need not want to supplement anything.

6. 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. It is found out from the record that the present appeal is preferred after submission of the charge-sheet and now the investigation is completed and the appellant is in jail since 09.05.2025. It transpires from the record that the so-called incident occurred on 07.05.2025 and on same day FIR was registered against total 12 persons. It further transpires from the record, more particularly from the CCTV footages, that so far as the role of the present applicant is concerned, he was available at the place of occurrence and gave kick and fist blows to the complainant as well as injured witnesses except that no other specific role is attributed to him. It further transpires that no weapons have been recovered from the custody of present applicant and no blood stains have been found from the cloths of the present applicant as well as there are no antecedents against the present applicant. Therefore considering the above-stated factual aspects as well as the period of incarceration spent by the present applicant and the fact that trial would take considerable long period of time to conclude, the present appeal deserves to be allowed.

8. 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 case of Satender Kumar Antil Vs. Central Bureau of Investigation & Anr. reported in (2022) 10 SCC 51.

9. In the facts and circumstances of the case and considering the nature of the allegations made against the applicant 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 applicant on regular bail.

10. Hence, the present appeal is allowed. The appellant is ordered to be released on regular bail in connection with the FIR being C.R. No.I-11214046250744 of 2025 registered with the Palsana Police Station, Surat Rural, 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 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 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;

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 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 applicant 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 04/10/2025 11:50:17