

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CRIMINAL MISC.APPLICATION (FOR REGULAR BAIL) NO. 19654 of
2025**

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ASHOKBHAI BHIKHABHAI VASAVA
Versus
STATE OF GUJARAT & ANR.

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Appearance:

HCLS COMMITTEE(4998) for the Applicant(s) No. 1
MR HANNAN A QURESHI(11351) for the Applicant(s) No. 1
MR TRUPESH KATHIRIYA, APP for the Respondent(s) No. 1

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CORAM:HONOURABLE MR. JUSTICE NIKHIL S. KARIEL**Date : 12/11/2025
ORAL ORDER**

1. Heard learned advocate Mr.Hannan Qureshi appearing on behalf of the applicant through High Court Legal Services Committee and learned Additional Public Prosecutor Mr. Trupesh Kathiriya appearing on behalf of the respondent-State.

1.1 It is pertinent to mention that the present application has been filed through jail and vide an order dated 24.09.2025, a learned Co-ordinate Bench of this Court had directed the High Court Legal Services Committee to provide legal assistance to the applicant and whereas learned Advocate Mr. Hannan Qureshi, under such circumstances, appearing on behalf of the applicant.

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. 11199028230241 of 2023 registered with Jhagadiya Police Station, for the offence punishable under Sections 307 of the Indian Penal Code and Section 135 of the Gujarat Police Act .

4. Learned Advocate Mr. Qureshi for the applicant would submit that as per the complaint itself, the complainant was having an extra marital affair with the wife of the present applicant and whereas while the present applicant was in judicial custody on account of being convicted in a criminal case and had been released on parole leave at the time of the offence, the complainant had visited the house of the applicant and whereas the applicant, upon seeing the complainant had grown furious and had asked the complainant not to come to his house and since he knew about the affair between the wife of the complainant and the applicant and later on, inflicted blows with an axe upon the complainant and his friend. Learned Advocate would submit that the incident had happened at the house of the applicant. It is submitted that even the complainant admits as regards the aspect of the affair. Learned Advocate would submit that having regard to such issue, the reaction by the

applicant, may be on the higher side but expected. Learned Advocate would submit that considering that the applicant has been arrested in connection with the present offence in the month of April, 2023, this Court may consider the case of the present applicant for being released on regular bail.

5. As against the same, learned Additional Public Prosecutor appearing for the respondent – State has strongly opposed the grant of regular bail, submitting that the applicant had inflicted serious injuries upon the complainant and his friend. Learned APP would submit that having regard to the intensity of the assault, this Court may not release the present applicant on regular bail.

6. Having regard to the fact that the applicant has prayed for grant of regular bail, learned Advocates appearing on behalf of the respective parties do not press for further reasoned order.

7. I have heard learned advocates appearing on behalf of the respective parties and perused the papers. Following aspects are considered:-

- i. The fact of the incident occurring at the house of the applicant.
- ii. The fact of the complainant accepting the fact the he was having affair with the wife of the applicant since around two and half year.

iii. The fact of the complainant accepting that he had gone to the house of the applicant to meet his wife.

iv. The fact of there appearing to be an altercation and the fact of the complainant and his friends are stated to be out of danger since quite some time.

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.**

8. In the facts and circumstances of the case and considering the nature of the allegations made against 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.

9. 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. 11199028230241 of 2023 registered with Jhagadiya Police Station, on executing a bond of Rs.10,000/- (Rupees Ten Thousands 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;

10. 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.

11. 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.

12. 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.

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

(NIKHIL S. KARIEL,J)

BDSONGARA

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: BHUPENDRASINH DHANESINH SONGARA(HC01082), Private Secretary, at High Court of Gujarat on 13/11/2025 10:49:48