

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CRIMINAL APPEAL (FOR ANTICIPATORY BAIL) NO. 3041 of 2025**

=====

MAYUR DINESHBHAI DESAI & ORS.
Versus
STATE OF GUJARAT & ANR.

=====

Appearance:

MR BS KHATANA(3671) for the Appellant(s) No. 1,2,3,4,5
MR HARDIK MEHTA ADDL. PUBLIC PROSECUTOR for the
Opponent(s)/Respondent(s) No. 1
SUDHANSHU A JHA(8345) for the Opponent(s)/Respondent(s) No. 2

=====

CORAM:HONOURABLE MR. JUSTICE NIKHIL S. KARIEL**Date : 08/04/2026****ORAL ORDER**

1. Heard learned Advocate Mr. P.R. Nanavati for learned advocate Mr. B.S. Khatana for the appellants, learned Additional Public Prosecutor Mr. Hardik Mehta on behalf of the respondent-State and learned advocate Mr. Sudhanshu Jha for respondent No.2.

2. This appeal filed under Section 14A of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act,1989 read with Section 438 of the Code of Criminal Procedure, 1973 for anticipatory bail in connection with F.I.R. being **C.R. No.11191020250478 of 2025 registered with Vastrapur Police Station, Ahmedabad**, for the offences punishable under Sections 115(2), 118(1), 117(2), 189(2), 191(2), 191(3), 190 and 351(2) of the Bhartiya Nyay Sanhita, 2023, Sections 3(1)(R), 3(1)(S), 3(2)(VA), 3(2)(V) of the Scheduled Caste and Schedule Tribes Act and under Section 135(1) of the Gujarat Police Act.

3. Learned Advocate for the appellants submits that the nature of

allegations are such for which custodial interrogation at this stage may not be necessary. Besides, the appellants are available during the course of investigation and will not flee from justice. In view of the above, the appellants may be granted anticipatory bail.

3.1 Learned Advocate for the appellants on instructions states that the appellants are ready and willing to abide by all the conditions including imposition of conditions with regard to powers of Investigating Agency to file an application before the competent Court for their remand. He would further submit that upon filing of such application by the Investigating Agency, the right of appellants -accused to oppose such application on merits may be kept open.

4. Learned Additional Public Prosecutor appearing on behalf of the respondent-State has opposed grant of anticipatory bail looking to the nature and gravity of the offence.

5. Considering the submissions made by learned Advocate for the appellants and learned APP and considering the investigation papers, following aspects are taken into consideration by this Court:

- (i) The allegation being very serious inasmuch as the complainant barged into the campus where he was allegedly men handled by the security staff and other students of college.
- (ii) The fact of the present appellants being students of the institute, where the scuffle had taken place.
- (iii) The fact that the present appellants' presence at the institution was quite nature and whereas the presence of complainant was

not natural at all since he was not student of that institution.

- (v) The fact of parties having settled the matter inter se, more particularly, the complainant being a student and the accused not willing to proceed against him.

6. Having regard to the circumstances in question, and considering the law laid down by the Hon'ble Apex Court in the case of **Siddharam Satlingappa Mhetre v. State of Maharashtra and Ors.** reported in **(2011)1 SCC 694**, this Court is inclined to consider this appeal.

7. In the result, the present appeal is allowed by directing that in the event of appellants herein being arrested pursuant to **C.R. No.11191020250478 of 2025 registered with Vastrapur Police Station, Ahmedabad**, the appellants shall be released on bail on furnishing a personal bond of Rs.10,000/- (Rupees Twenty Five Thousand only) each with one surety of like amount, on the following conditions:

- (a) shall cooperate with the investigation and make themselves available for interrogation whenever required;
- (b) shall remain present at the concerned Police Station on **13.04.2026** between 11:00 a.m. and 2:00 p.m.;
- (c) shall mark their presence at the concerned Police Station once in a month for a period of next six months;
- (d) shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the fact of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;
- (e) shall not obstruct or hamper the police investigation and not to play mischief with the evidence collected or yet to be

collected by the Police;

- (f) shall at the time of execution of bond, furnish the address to the Investigating Officer and the Court concerned and shall not change their residence till the final disposal of the case or till further orders;
- (g) shall not leave India without the permission of the Court and, if having passports shall surrender the same before the Trial Court within a week.

8. At the trial, the Trial Court shall not be influenced by the prima facie observations made by this Court, while enlarging the appellants on bail. Rule is made absolute to the aforesaid extent.

Direct service is permitted.

Y.N. VYAS

(NIKHIL S. KARIEL,J)