

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/CRIMINAL MISC.APPLICATION (FOR REGULAR BAIL - BEFORE
CHARGESHEET) NO. 27528 of 2025

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VASTABHAI KARSHANBHAI DEVIPUJAK
Versus
STATE OF GUJARAT

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Appearance:

MR TUSHAR CHAUDHARY(5316) for the Applicant(s) No. 1
MR P P MAJMUDAR(5284) for the Respondent(s) No. 1
MR JAY MEHTA ADDL. PUBLIC PROSECUTOR for the Respondent(s) No. 1

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CORAM:HONOURABLE MR. JUSTICE NIKHIL S. KARIEL

Date : 27/01/2026

ORAL ORDER

1. Heard learned advocate Mr. Tushar Chaudhary appearing on behalf of the applicant, learned Additional Public Prosecutor Mr. Jay Mehta appearing on behalf of the respondent-State and learned advocate Mr. Prince Satta for learned advocate Mr. P.P. Majmudar for the 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. 11205013250686 of 2025 registered with Mankuva Police Station, Dist. Kutch-Bhuj, for the offence punishable under Sections 109(1), 115(2), 296(b), 118(1), 118(2) and 54 of BNS and Section 135 of the Gujarat Police 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 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 has 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, 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) While the allegation in the FIR is quite serious i.e. the victim having been assaulted by the co-accused using an axe, which has resulted into grievous injuries, yet it would appear that the applicant is not attributed with causing the serious injuries.
- (ii) The fact of the applicant being father of the co-accused and whereas prima facie, it appears that the present may be a case of over implication in so far as present applicant is concerned.
- (iii) It would appear in this regard that while the accused No.1, who is the son-in-law of the complainant, was quarreling with his wife i.e. daughter of the complainant at which time the complainant and his son went to inquire and the complainant and son had a quarrel with his son-in-law as well as brother of the son-in-law. It also appear that the son-in-law getting angry/agitated and taken an axe and assaulted son of the complainant and whereas co-accused i.e. brother of son-in-law had assaulted the complainant with a sharp edged weapon (Dhariya). It is alleged that the present applicant had inflicted blows using a stick and whereas it does not appear that there are any injury

caused to either the victim or the complainant.

- (iv) The fact that the applicant being father of the co-accused and parties being close relatives.
- (v) The fact of the applicant having not antecedents.

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.11205013250686 of 2025 registered with Mankuva Police Station, Dist. Kutch-Bhuj, on executing a bond of Rs.10,000/- (Rupees Ten 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 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 till the charge-sheet is filed and thereafter once a month for a period of three 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.

Y.N. VYAS

(NIKHIL S. KARIEL,J)