

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

**R/CRIMINAL MISC.APPLICATION (FOR SUCCESSIVE REGULAR BAIL -
AFTER CHARGESHEET) NO. 27614 of 2025**

With

R/CRIMINAL MISC.APPLICATION NO. 27646 of 2025

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MAHESHBHAI BALVANTJI @BALAJI THAKOR & ORS.

Versus

STATE OF GUJARAT

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Appearance:

DR. HARDIK K RAVAL(6366) for the Applicant(s) No. 1,2,3,4,5,6,7

MR ADITYA JADEJA ADDL. PUBLIC PROSECUTOR for the Respondent(s)

No. 1

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CORAM:HONOURABLE MR. JUSTICE NIKHIL S. KARIEL

Date : 20/03/2026

COMMON ORAL ORDER

1. Heard learned advocate Mr.Hardik Raval appearing on behalf of the applicants and learned Additional Public Prosecutor Mr. Aditya Jadeja appearing on behalf of the respondent-State.

2. **Rule.** Learned APP waives service of rule on behalf of the respondent-State.

3. The applicants have filed these applications under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 for

enlarging the applicants on Regular Bail in connection with FIR being **C.R. No. 11195007250648 of 2025 registered with Bhabhar Police Station, Dist. Banaskantha**, for the offence punishable under Sections 103(1), 115(2), 118(1), 118(2), 109(1), 189(2), 191(2), 191(3) and 190 of the BNS.

4. Learned advocate for the applicants would submit that considering the role attributed to the applicants, and nature of the allegation levelled, the applicants may be enlarged on regular bail. It is further submitted that since the charge-sheet is filed no useful purpose would be served by keeping the applicants in jail for indefinite period. It is further contended that the applicants are 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 applicants as coming out from the charge-sheet, this Court may not exercise the discretion in favour of the applicants and the applications 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. Allegation against the accused being that the accused had gone to the shop of the complainant party and had assaulted them.

ii. The fact of the present applicants being the aggressors, is undeniable inasmuch as there are CCTV footages which shows that the present applicants had gone to the shop of the complainant and whereas, unfortunately for the applicants, the complainant party were more in number and armed and which had resulted in the applicants requiring to flee from the place.

iii. It also appears that as a fallout of the present incident, another incident had happened, where it is alleged that the complainant party, had waylaid the present applicants, and had assaulted them resulting in death of one of the persons who was an originally an accused in the present FIR.

iv. The allegations against the present applicants translating into maximum an offence under Section 109(1) of the BNS and whereas, the injury which is co-relatable to the said offence being a fracture injury sustained by one of the persons of the complainant party.

v. The fact of the applicants being in custody since the month of August-September, 2025 and the charge-sheet having been filed.

vi. While it appears that some of the applicants have antecedents yet, none of the antecedents appear to be of any involvement in serious offence and whereas, more serious offence in the antecedent being offence punishable under Section 115(2) of the BNS.

vii. The fact of some of the accused of the cross FIR, against whom serious allegations having not been leveled having been considered by this Court vide orders dated 11.03.2026 in Cr.Ma. No.27500 of 2025, order dated 19.12.2025 in Cr.Ma No.26441 of 2025 and order dated 17.12.2025 in Cr.Ma No.26526 of 2025.

viii. Apprehension expressed by learned APP could be allayed by imposing suitable conditions.

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 applicants 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 applicants on regular bail.

8. Hence, the present applications are allowed. The applicants are ordered to be released on bail in connection with F.I.R. registered as **C.R. No. 11195007250648 of 2025 registered with Bhabhar Police Station, Dist. Banaskantha**, on executing a bond of Rs.25,000/- each (Rupees Twenty Five Thousand only) 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;

[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 in a month for a period of six months before the concerned police station.

9. The Authorities will release the applicants 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 applicants for being released on regular bail.

12. The applications are allowed in the aforesaid terms. Rule is made absolute to the aforesaid extent. Direct service is permitted.

(NIKHIL S. KARIEL,J)

NAIR SMITA V./05-06-SB-I