

(2025) 11 GUJ CK 1894
In the Gujarat High Court

Case No : R/Criminal Misc.Application (For Regular Bail - After Chargesheet) No. 18529 Of 2025

Jatin Alias Golu Kanaiyalal Nakwal (Valmiki)

APPELLANT

Vs

State Of Gujarat

RESPONDENT

Date of Decision : 12-11-2025

Acts Referred:

Bharatiya Nagarik Suraksha Sanhita, 2023 — Section 483
Indian Penal Code, 1860 — Section 34, 294(b), 302
Gujarat Police Act, 1951 — Section 135

Citation : (2025) 11 GUJ CK 1894

Hon'ble Judges : Nikhil S. Kariel, J

Bench : Single Bench

Advocate : Yash K Dave, Yash V Gupta, L B Dhabi

Final Decision : Allowed

Judgement

Nikhil S. Kariel, J

1. Heard learned advocate Mr. Yash V. Gupta appearing on behalf of the applicant and learned Additional Public Prosecutor Mr. L.B. Dhabi appearing on behalf of the respondent-State.

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. 11993006240509/2024 registered with A-Division, Gandhidham Police Station, Kutch East - Gandhidham for the offence punishable under Sections 302, 294(b), 34 of IPC and Section 135 of the G.P. Act.

4. Learned advocate Mr. Yash Gupta for the applicant would submit that the incident had happened in the year 2024 i.e. 02.06.2024 and the present applicant is in custody since then. Learned advocate would further submit that there was an altercation between the complainant party and the present

applicant and his brother more particularly, as per the case of the complainant himself having come to the home of the present applicant for collecting money which had been lent by the deceased to the brother of the applicant. Learned advocate would submit that during the course of this scuffle a single knife blow had been inflicted by the present applicant on the thigh i.e. non-vital part of the body of the deceased. Learned advocate would submit that the deceased unfortunately expired, and whereas the applicant being in custody since last more than one and a half year approximately, this Court may consider the case of the present applicant more particularly, learned advocate submitting that the applicant is aged around 18 years at the time of the incident, the applicant had intervened only on account of the complainant party coming to his house. Learned advocate would submit that as such there are no antecedents of being involved in any offence against the applicant.

5. As against the same, learned Additional Public Prosecutor Mr. L.B. Dhabhi appearing for the respondent – State has vehemently opposed submitting that the applicant had assaulted the deceased and the complainant party more particularly, the applicant being annoyed that the deceased and the complainant party had come to the home of the applicant to collect money from the brother of the applicant which had been lent by the deceased. Learned APP would further submit that the applicant was the one who had inflicted the knife blow which had caused the death. Learned APP would submit that having regard to the facts and circumstances, 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 single knife blow having been inflicted by the present applicant on a non-vital part of the body of the deceased;
- ii. the fact of the incident having happened at the home of the present applicant;
- iii. there being no direct enmity between the applicant and the deceased or the complainant party more particularly, the complainant party having come to the home of the present applicant for collecting money which the deceased had lent to the brother of the present applicant;
- iv. the fact that the applicant is a 19 year old boy and whereas, he is in custody since June, 2024;
- v. the charge-sheet is filed;
- vi. the applicant does not have any other 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.

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.11993006240509 of 2024 registered with A- Division, Gandhidham Police Station, District:- Kutch East - Gandhidham, 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;

[e] furnish the proposed 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] to mark presence once a month till the trial is commenced;

[g] not to enter Taluka – Gandhidham till the trial commences except for marking presence;

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.