

(2025) 11 GUJ CK 1945
In the Gujarat High Court

Case No : R/Criminal Misc.Application (For Regular Bail - Before Chargesheet)
No. 22917 Of 2025

Mahendrabhai @ Mayur Babu Puchhadiya APPELLANT
Vs

State Of Gujarat RESPONDENT

Date of Decision : 06-11-2025

Acts Referred:

Bharatiya Nagarik Suraksha Sanhita, 2023 — Section 483
Bharatiya Nyaya Sanhita, 2023 — Section 54, 109(1), 117(2)
Gujarat Police Act, 1951 — Section 135(1)

Citation : (2025) 11 GUJ CK 1945

Hon'ble Judges : Nikhil S. Kariel, J

Bench : Single Bench

Advocate : Jucky Lucky Chan, Hemaben A Mistry, LB Dabhi

Final Decision : Allowed

Judgement

Nikhil S. Kariel, J

1. Heard learned advocate Mr.Jucky Lucky Chan appearing on behalf of the applicant and learned Additional Public Prosecutor Mr.L.B.Dabhi 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. 11202013250294/2025 registered with Sheth Vadala Police Station, Jamnagar for the offence punishable under Sections 109(1), 117(2) and 54 of the Bhartiya Nyaya Sanhita, 2023 and Section 135(1) of the Gujarat Police Act.

4. Learned advocate Mr.Chan for the applicant would submit that the allegation against the applicant is of assaulting the victim i.e. his real uncle and whereas, it is submitted that the assault had happened on the spur of the moment at an

agricultural field when the applicant and his father were trying to restrain his uncle from tilling the land. Learned advocate would submit that as such, the applicant had inflicted three blows of which only one blow was inflicted on the head of the applicant which was a serious injury. Learned advocate would submit that as such, the injured victim has been discharged from the hospital and is stated to be out of danger. Learned advocate would submit that his father who was a co-accused, has already been released on regular bail. Learned advocate would submit that considering that there are no other antecedents against the present applicant of being involved in any other offence of the like nature, this Court may consider releasing the present applicant on regular bail.

5. As against the same, learned Additional Public Prosecutor Mr.Dabhi appearing for the respondent – State has vehemently opposed the grant of regular bail submitting that the present applicant had assaulted his own uncle more particularly with the help of his father. It is submitted that the fact of the victim having been discharged from hospital may not dilute the gravity of the offence committed by the present applicant. Thus submitting, learned APP would submit that 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 present applicant having inflicted three blows of which one was a serious blow.
- ii. The incident happening at an agricultural field where some altercation had taken place between the father of the applicant and his elder brother as regards some land in question.
- iii. The fact of the victim having been discharged from the hospital.
- iv. The fact of the applicant not having any antecedents of the like nature.
- v. The fact of the weapon used to cause the injury being a stick which would be used by the applicant in normal course more particularly when the applicant is going to his agricultural field.

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. 11202013250294/2025 registered with Sheth Vadala Police Station, Jamnagar, on executing a bond of Rs.10,000/- (Rupees Ten Thousand 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 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 permission of this Court;

[f] not to enter Taluka:Jamjodhpur for a period of six months except for the purpose of marking presence.

[g] mark his presence once a month for a period of six months before the concerned police station.

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 Judge 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.