

**(2025) 11 GUJ CK 1919**

**In the Gujarat High Court**

**Case No :** R/Criminal Appeal (Regular Bail - After Chargesheet) No. 2975 Of 2025

Maheshkumar Hiralal Sadhu Caste Vishwakarma

APPELLANT

Vs

State Of Gujarat & Anr

RESPONDENT

---

**Date of Decision :** 25-11-2025

**Acts Referred:**

Bharatiya Nagarik Suraksha Sanhita, 2023 — Section 483

Bharatiya Nyaya Sanhita, 2023 — Section 54, 130(1), 109, 115(2), 118, 351(2)

Gujarat Police Act, 1951 — Section 135(1)

Scheduled Caste And Scheduled Tribe (Prevention Of Atrocities) Act, 1989 — Section 3(2)(5), 3(2)(5a)

**Citation :** (2025) 11 GUJ CK 1919

**Hon'ble Judges :** Nikhil S. Kariel,J

**Bench :** Single Bench

**Advocate :** Soeb R. Bhohari, Valimohammed Pathan, Manan Maheta

**Final Decision :** Allowed

---

## **Judgement**

Nikhil S. Kariel, J

1. Learned advocate Mr. Razin Zeena submits has he has instructions to appear on behalf of the complainant and seeks permission to file his Vakalatnama. Permission is granted.

1.1. Heard learned advocate Mr. Soeb R. Bhoharia appearing on behalf of the applicant, learned Additional Public Prosecutor Mr. Manan Maheta appearing on behalf of the respondent-State and learned advocate Mr. Razin Zeena appearing on behalf of 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. 11191065250746/2025 registered with Narol Police Station, Ahmedabad City for the offence punishable under Sections

103(1), 109, 115(2), 351(2), 118(1), 54 of the B.N.S., Section 135(1) of the G.P. Act and Sections 3(2)(5), 3(2)(5-a) of the Atrocities Act.

4. Learned advocate Mr. Bhocharia 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 submitted that since the charge-sheet is filed no useful purpose would be served by keeping the applicant in jail for indefinite period. 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.

4. Learned advocate Mr. Bhocharia 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 submitted that since the charge-sheet is filed no useful purpose would be served by keeping the applicant in jail for indefinite period. 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 as coming out from the charge-sheet, this Court may not exercise the discretion in favour of the applicant and the application may be dismissed.

5.1. Learned advocate Mr. Razin Zeena appearing on behalf of the complainant adopts the arguments made by learned APP.

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 allegation of inflicting kick and fist blows to the other members of the family of the complainant more particularly there being no allegation either at the stage of the FIR and after investigation in the charge-sheet that the applicant had inflicted any injury upon the deceased or had used any weapon and inflicted injuries on any other persons of the complainant party.

(ii) The fact of the persons having similar role in cross complaint having been considered by the learned Sessions Court.

(iii) The fact of charge-sheet having been filed and the applicant being in custody from 13.07.2025.

(iv) The fact of the applicant having no past antecedents and the incident happening because of some normal dispute between two neighbours.

(v) This Court having considered the case of a co-accused for grant of regular bail vide an order dated 14.11.2025 in Criminal Appeal No.2887 of 2025, more particularly the role attributed to the present applicant and said accused being identical.

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 11191065250746/2025 registered with Narol Police Station, Ahmedabad City, on executing a bond of Rs.25,000/- (Rupees Twenty Five 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;

[b] not act in a manner injurious to the interest of the prosecution;

[d] not leave the State of Gujarat without prior permission of the Sessions Court concerned

[e] not to enter District: Ahmedabad except for the purpose of marking presence for a period of six months and thereafter, not to enter the area concerned where the complainant and the applicant party were residing, till the trial commences.

[f] 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.;

[g] mark 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 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.