IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/CRIMINAL MISC.APPLICATION (FOR SUCCESSIVE REGULAR BAIL - AFTER CHARGESHEET) NO. 18863 of 2026

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SALIM AADHAM PADEYAR(PADHIYAR)

Versus

STATE OF GUJARAT

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Appearance:
MR. SOAHAM JOSHI, APP for the Respondent(s) No. 1

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CORAM:**HONOURABLE MR.JUSTICE UTKARSH THAKORBHAI DESAI**

Date : 14/08/2026

ORAL ORDER

1. Heard learned advocate appearing on behalf of the applicant and learned Additional Public Prosecutor appearing on behalf of the respondent-State. Learned advocate Ms. Taruna Makawana states that, she has received instructions to appear on behalf of the complainant. Registry to accept the Vakalatnama of learned advocate Ms. Taruna Makawana and place it on record.

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. 11205023260007 of 2026 registered at Kothara Police Station, District:Kachchh-Bhuj, for the offence punishable under Sections 109(1), 309(4), 117(2), 115(2), 351(3), 296(b), 190, 191(1), 191(2), 191(3) and 61 the BNS, 2023 and Section 135(1) of the GP 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 submitted that, since the charge-sheet is filed, further incarceration of the applicant will not benefit the Investigation Officer in any manner. 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 discretion in favour of the applicant and the

application may be dismissed.

6. Learned Additional Public Prosecutor Mr.Soaham Joshi has placed on record the report submitted by Mr.A.M.Makwana, Police Inspector, LCB, Kachchh-Bhuj (West). The said report is taken on record.

7. Learned advocate Ms. Taruna Makawana has appeared for the original complainant and has placed on record the affidavit filed by the original complainant.

8. I have heard learned advocates appearing on behalf of the respective parties and perused the charge-sheet papers. Following aspects are considered:-

i. The applicant is a permanent resident of District:Kachchh, hence would be available at the time of trial;

ii. The regular bail application was filed after filing of the charge-sheet vide Criminal Misc. Application No.7995 of 2026, was came to be withdrawn against the present applicant at the relevant time, while the Court had granted bail to the other co-accused by way of the order passed in the said

application on 06.05.2026.

iii. The original complainant viz. Altaf Mohammad Hussain Hingora is present before the Court and has submitted his affidavit and has stated that settlement has been reached between him and the accused persons and the disputes between them have been done away with. Hence, he does not object if the present application is allowed.

iv. It also appears that a cross-complaint was filed from the applicant's side against the original complainant and others.

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**.

9. 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.

10. Hence, the present application is allowed. The applicants are ordered to be released on bail in connection with F.I.R. registered as C.R. No. 11205023260007/2026 registered with Kothara Police Station, Kuchchh – West Bhuj, on executing a bail bond of Rs.25,000/- (Rupees Twenty Five Thousand only) with one surety each 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, and if they does not possess a passport, they shall file an affidavits to that effect;

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

[e] furnish the present address of their residence in Gujarat to the I.O. and the Court at the time of execution of the bond along with documentary proof and shall not change the residence

without prior intimation to the I.O. and the court;

[f] mark presence on every Sunday before the concerned police station, till the trial is over.

[g] not to enter Taluka:Abdasa for a period of three months;

[h] not indulge in similar kind of offence hereinafter, for which, he shall file affidavits before the concerned court and the police station.

11. 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.

12. 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.

13. 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 enlarging the applicant on regular bail.

14. The application is allowed in the aforesaid terms. Rule is made absolute to the aforesaid extent. Direct service is permitted.

(UTKARSH THAKORBHAI DESAI, J)

ANIRUDH OJHA

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: ANIRUDH OJHA(HC02370), ENGLISH STENO GRADE-II\, at High Court of Gujarat on 14/08/2026 17:30:40