

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CRIMINAL MISC.APPLICATION (FOR REGULAR BAIL - BEFORE
CHARGESHEET) NO. 11439 of 2025**

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VISHAL KISHANBHAI BALVANTSINGH YADAV & ORS.

Versus

STATE OF GUJARAT

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Appearance:MR I H SAYED, SENIOR COUNSEL with MR VISHRUT BHANDARI(11297)
for the Applicant(s) No. 1,2,3,4,5,6

MR SATYAJIT S SONAGARA(12218) for the Respondent(s) No. 1

MR. HARISINGH SODHA(17638) for the Respondent(s) No. 1

MS DIVYANGNA P JHALA, APP for the Respondent(s) No. 1

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CORAM:HONOURABLE MR. JUSTICE M. R. MENGDEY**Date : 09/07/2025****ORAL ORDER**

1. This application is filed under Section 483 Bharatiya Nagarik Suraksha Sanhita for regular bail in connection with **F.I.R. No.11216011250192 of 2025 registered with Infocity Police Station, District Gandhinagar.**
2. Learned senior counsel for the applicants has sought permission to withdraw the present application qua the applicant nos.3 and 4.
- 2.1 Permission as sought for is granted qua the applicant nos.3 and 4. The application stands disposed of qua the applicant nos.3 and 4.
3. **Rule** qua the applicant nos.1,2,5,6. Learned APP waives

service of notice of Rule on behalf of respondent-State.

- 3.2 So far as the applicant nos.1,2,5 and 6 are concerned, learned senior counsel has submitted that considering the nature of offence and role attributed to the applicants, the applicants may be enlarged on regular bail by imposing suitable conditions.
4. The learned APP appearing for the respondent State has vehemently submitted that the present applicants had actively participated in commission of the offence as they were armed with deadly weapon at the time of incident and had committed assault with those deadly weapons upon the victim because of the same, the victim sustained severe injuries. He has, therefore, submitted that the offences which have been charged, are serious in nature and looking to the facts as well as the allegations levelled against the applicant, no discretion is required to be exercised.
5. Learned advocate appearing for the original complainant has also opposed the grant of present application *inter-alia* contending that the applicants had traced out the location of the first informant and assault was committed on the first informant with the deadly weapons like sticks and iron pipes and because of the same, the victim sustained severe injuries like fracture and even today, the victim is not in a position to walk on his own. Since the investigation is in progress, the present application may

not be allowed and the same should be dismissed.

6. I have heard learned advocates appearing for the parties and perused the material available on record. The role attributed to the present applicant nos.1,2,5 and 6 i.e. Vishal Kishanbhai Balvantsingh Yadav, Hiteshbhai @ Bhano Mafabhai Jograna, Khodidas @ K.B. Bachubhai Gagajibhai Manjva (Bharwad) and Arvind Sureshbhai Badansingh Yadav, respectively, is to the effect that they had assaulted the victim with deadly weapons and because of the same, the victim sustained severe injuries like fracture. Having regard to the role attributed to the present applicants and so also the fact that presently, the condition of the victim is stable and out of danger, the present application deserves to be allowed.
7. This court has also considered the following aspects:
 - (a) As per catena of decisions of Hon'ble Supreme Court, there are mainly 3 factors which are required to be considered by this court i.e. *prima facie* case, availability of Applicant accused at the time of trial and tampering and hampering with the witnesses by the accused.
 - (b) That the learned Advocate for the Applicant has submitted that the Applicant Accused is not likely to flee away.
 - (c) That the Applicant is in custody.
 - (d) The law laid down by the Hon'ble Apex Court in the case of **Sanjay Chandra v. C.B.I. Reported in (2012)**

1 SCC 40.

8. In the facts and circumstances of the case and considering the nature of allegations made in the FIR and without discussing the evidence in details as well as without going into details, *prima-facie*, this Court is of the opinion that this is a fit case to exercise the discretion to enlarge the applicants on bail. Hence, the application is allowed and present applicant nos.1,2,5 and 6 i.e. Vishal Kishanbhai Balvantsingh Yadav, Hiteshbhai @ Bhano Mafabhai Jograna, Khodidas @ K.B. Bachubhai Gagajibhai Manjva (Bharwad) and Arvind Sureshbhai Badansingh Yadav, respectively, are ordered to be released on bail in connection with the aforesaid FIR, on executing a bond of **Rs.10,000/- (EACH)** with one surety of the like amount to the satisfaction of the trial Court and subject to the conditions that;

- (a) shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the fact of the case so as to dissuade from disclosing such facts to the Court or any Police Officer or tamper with the evidence.
- (b) shall maintain law and order and not to indulge in any criminal activities.
- (c) shall furnish the documentary proof of complete, correct and present address of residence to the Investigating Officer and to the Trial Court at the time of executing the bond and shall not change

residence without prior permission of the trial Court.

- (d) shall provide contact numbers as well as the contact numbers of the sureties before the Trial Court. In case of change in such numbers inform in writing immediately to the trial Court.
- (e) shall file an affidavit stating immovable properties whether self acquired or ancestral with description, location and present value of such properties before the Trial Court, if any.
- (f) shall not leave India without prior permission of the Trial Court
- (g) surrender passport, if any, to the Trial Court within a week. If accused does not possess passport, shall file an Affidavit to that effect.
- (h) shall mark presence before the concerned police station once in a month for a period of six months between 11:00 a.m. and 2:00 p.m.
- (I) shall not enter the District – Gandhinagar for six months.

9. The authorities concerned shall 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 issue warrant or take appropriate action in the matter. 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.

10. At the trial, the concerned trial Court shall not be influenced by the *prima facie* observations made by this Court in the present order.
11. Rule is made absolute qua the present applicant nos.1,2,5 and 6 i.e. Vishal Kishanbhai Balvantsingh Yadav, Hiteshbhai @ Bhano Mafabhai Jograna, Khodidas @ K.B. Bachubhai Gagajibhai Manjva (Bharwad) and Arvind Sureshbhai Badansingh Yadav, respectively. Direct service is permitted.

(M. R. MENGDEY,J)

NABILA

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: NABILABANU MOHAMADNOOR PATNIJAMAT(HC00630), Private Secretary, at High Court of Gujarat on 11/07/2025 12:57:54