IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/CRIMINAL MISC.APPLICATION (FOR SUCCESSIVE REGULAR BAIL - AFTER CHARGESHEET) NO. 12766 of 2025

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DINESHBHAI @ BHUVAJI BACHUBHAI RANGPRA

Versus

STATE OF GUJARAT

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Appearance:
DHRUV TOLIYA(9249) for the Applicant(s) No. 1
MR JK SHAH, APP for the Respondent(s) No. 1
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CORAM:**HONOURABLE MR. JUSTICE ILESH J. VORA**

Date : 05/12/2025

ORAL ORDER

1. This successive bail application is being filed by the accused Dinesh @ Bhuvaji Bachubhai, in connection with the offence, registered with Thorala Police Station, Rajkot for the offences punishable under Sections 302, 120B, read with Section 114 of the Indian Penal Code and Section 135 of the Gujarat Police Act.

2. Brief facts giving rise to file present application are that deceased Vijay Dhirubhai Mer, resident of Rajkot was having relation with the daughter of A1 Suresh Shakariya, as a result, both had eloped together and on this issue, the FIR of kidnapping and sexual abuse came to be filed against the deceased. Thereafter, on account of the criminal prosecution, the victim returned back to the house of A1. The present applicant A2 is the friend of A1. In such circumstances, the accused keeping grudge against the deceased about the incident of taking away the minor daughter, conspired to kill the deceased, as a result, on 19.08.2021, at about 08:30 night, the accused armed with

knife and skyth (dhariya) came on the motorbike at the place where the deceased was used to sit in the company of his friend and fatally assaulted the deceased, as a result, he died on the spot. The medical evidence shows that as many as 22 external injuries found on the body of the deceased and according to P.M. doctor, the cause of death was multiple injuries received over the body. On the basis of FIR, and upon due investigation, the accused came to be chargesheeted and after framing the charge by the Sessions Court, the case for recording of the further evidence of material witnesses. The only eyewitness who was present at the scene – Harshil Vinodbhai Shapra (PW:6), has fully supported to the prosecution case and also identified the present applicant as assailants in the Court.

3. We have heard learned advocate Mr.Dhruv Tolia and learned APP Mr.J.K. Shah, for the respective parties.

4. Mr.Dhruv Tolia, appearing for and on behalf of the applicant, restricted his arguments only on the issue of delay in trial proceedings as the custody period is four years and chances of conclusion of the trial in a reasonable period would bleak or remote. Reference was made to the case of **Ashim @ Asimkumar Bhattacharya Vs. NIA (2022 (1) SCC 695),** to contend that pending the trial, a person cannot be kept in custody for an indefinite period of time, and it clearly violates the fundamental rights enshrined in the constitution as deprivation of personal liberty without ensuring speedy trial is not consistent with Article 21 of the Constitution of India.

5. In such circumstances, as referred to above, it is submitted that till date, only six witnesses have been examined by the trial Court and the progress of the trial is in slow space and as such, there is no fault on the part of the accused and therefore, considering the long incarceration coupled with the delay in proceedings, and more particularly after examination of the material witnesses, there is no possibility of witnesses being influenced or tampering with the evidence. Thus, therefore, it is prayed that the case is made out for exercising judicial discretion.

6. On the other hand, opposing the prayer, learned APP Mr.J.K. Shah has submitted that this is a case like honour- killing and the deceased was brutally killed by the accused with deadly weapon and as many as 22 injuries were found on this body. Thus, considering the nature of the offence, and the manner in which, offence was executed, the Court may not exercise discretion in favour of the applicant. So far as delay in trial proceedings is concerned, it is submitted that the Court may direct the Trial Court for expeditious trial and within a stipulated time, the trial may get over and considering the deposition of eyewitness, there are all chances that the applicant may flee from the justice and therefore, considering the gravity and seriousness of the offence, and interest of the society at large, no case is made out and the application may not be entertained.

7. In the facts of the present case, the offence of murder being took place on 19.08.2021. The accused were arrested on 20.08.2021. The

chargesheet in the case came to be filed on 15.11.2021. The charge was framed by the Sessions Court on 25.05.2022. The seized muddamal being not produced by the police upto August-2024. Thereafter, summons to the witnesses being issued and lastly, the eyewitness PW:6 H.V. Shapra was being examined and his cross examination is completed on 10.10.2025. After examination of factual background facts, having regard to the role attributed to the present applicant herein and evidence on record, in my opinion, there is a prima facie case and reasonable ground to believe that the accused has committed a serious offence of murder. It is relevant to note that after framing of the charge, the accused never made a complaint to the Trial Court that his trial is unnecessary delayed or proceeded in a slow space. I am conscious about the settled position of law with respect to the undue delay of the trial proceedings and right of the accused as enshrined under Article 21 of the Constitution of India. The Apex Court on this aspect in its various judgments held that Article 21 is of great importance because it enshrines the fundamental right of the individual liberty, but at the same time, balance has to be struck between the right of individual liberty and interest of the society, as no right can be absolute and reasonable restriction can be placed on them. In such circumstances, in my opinion, no case is made out for exercising judicial discretion and striking balance between the right of the accused and interest of the society, justice would be met, if the Trial Court asked to complete the trial proceedings expeditiously within nine months from the date of this order, as the sole eyewitness has already been examined and as reported by the learned APP that the trial would

be over in a reasonable time.

8. Thus, with the aforesaid observations and directions, this application stands **dismissed**. Rule is discharged.

9. The observations are tentative and prima facie nature and confined to adjudication of this application, I hope that the Trial Court shall make an endeavour to complete the trial proceedings, as far as possible expeditiously in accordance with law.

(ILESH J. VORA,J)

Rakesh

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: RAKESH MAHESHKUMAR KOSHTI(HC00950), Principal Pvt. Secretary, at High Court of Gujarat on 05/12/2025 16:41:04