

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/CRIMINAL APPEAL (REGULAR BAIL - AFTER CHARGESHEET)
NO. 916 of 2026**

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MITESHKUMAR @ MOCHO SUBHASHBHAI PATEL

Versus

STATE OF GUJARAT & ANR.

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Appearance:

DARSHIT R BRAHMBHATT(8011) for the Appellant(s) No. 1

MS. JYOTI BHATT, APP for the Opponent(s)/Respondent(s) No. 1

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CORAM:HONOURABLE MR.JUSTICE UTKARSH THAKORBHAI
DESAI

Date : 30/04/2026

ORAL ORDER

1. Heard learned advocate appearing on behalf of the Appellant and learned Additional Public Prosecutor appearing on behalf of the respondent-State.

2. **Rule.** Learned APP waives service of rule on behalf of the respondent-State.

3. The Appellant has filed this appeal under Section 14(A) of Atrocities Act, 1989 for enlarging him on Regular Bail in connection with FIR being C.R. No. 11214070260073 of 2026, registered with Bardoli(Rural) Police Station, Surat(Rural) for the offence punishable under Sections 115(2), 351(3), 127(2), 140(2), 189(2), 191(2),

332(b), 333 r/w 190 of the BNS, 2023 and Sections 3(1)(R)(V-A), 3(2)(5) of the Atrocities Act, 1989.

4. Learned advocate for the Appellant would submit that, considering the role attributed to the Appellant, and nature of the allegation levelled, the Appellant may be enlarged on regular bail. It is further submitted that, the Appellant 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 Appellant, this Court may not exercise discretion in favour of the Appellant and the appeal may be dismissed.

5.1 Mr. Chirag Bhrahmbhatt, learned advocate appears for the original complainant. He is permitted to file his vakalatnama in the Registry. Mr. Chirag Bhrahmbhatt, learned advocate for the original complainant places on record the affidavit filed by the original complainant Mr. Jaineshbhai Hemantbhai Thakorbbhai

Rathod, and submits that, the dispute between the Appellant and the original complainant has been amicably settled. The original complainant is present in the court and has affirmed the contents of his affidavit.

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

- i. The Appellant is permanent resident of Surat District, hence would be available at the time of trial;
- ii. The Appellant does not have any criminal antecedents;
- iii. The original complainant Mr. Jaineshbhai Hemantbhai Thakorbbhai Rathod has filed an affidavit, wherein, he has stated that, the dispute between him and the Appellant has been amicably settled, and that, he does not object if bail is granted to the Appellant.
- iv. The original complainant is present before the court and he has affirmed the facts of his affidavit;
- v. The injured has been discharged from the hospital.

7. 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 the Appellant 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 Appellant on regular bail.

9. Hence, the present appeal is allowed. The Appellant is ordered to be released on bail, in connection with FIR being C.R. No. 11214070260073 of 2026 registered with Bardoli(Rural) Police Station, Surat(Rural), on executing a bail bond of Rs.25,000/- (Rupees Twenty Five Thousand 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 his passport, if any, to the trial court within a week, and if he does not possess a passport, he shall file an affidavit to that effect;

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

[e] furnish the present address of his residence to the I.O. and to the Court at the time of execution of the bond, and shall not change his residence without prior intimation to the I.O. and the court;

[f] mark his presence on every alternate Sunday before the concerned police station for two months;

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

10. The Authorities will release the Appellant 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/special Court concerned will be at liberty to take

appropriate action in accordance with law.

11. Bail bond to be executed before the trial 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 competent 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 Appellant on regular bail. This appeal is allowed in the aforesaid terms. Rule is made absolute to the aforesaid extent. Direct service is permitted.

(UTKARSH THAKORBHAI DESAI, J)

PARMAR CHIRAG

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: PARMAR CHIRAG KANUBHAI(HC02371), ENGLISH STENO GRADE-II, at High Court of Gujarat on 04/05/2026 14:47:59