IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/CRIMINAL MISC.APPLICATION (FOR REGULAR BAIL - AFTER CHARGESHEET) NO. 13251 of 2026

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SUDHIRBHAI VIJAYBHAI PARMAR

Versus

STATE OF GUJARAT

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Appearance:
MR VIRAT G POPAT(3710) for the Applicant(s) No. 1
MR HARDIK MEHTA, APP for the Respondent(s) No. 1
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CORAM:**HONOURABLE MR. JUSTICE HASMUKH D. SUTHAR**

Date : 16/06/2026
ORDER

[1.0] RULE. Learned APP waives service of rule for the respondent-State.

[2.0] The present application is filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short "BNSS") for regular bail in connection with **FIR being C.R. No. 11208045250768 of 2025 registered with Malviyanagar Police Station, Rajkot City** for the offences under Sections 103(1), 109, 118(1), 115(2) and 3(5) of the BNS and Sction 135 of the Gujarat Police Act.

[3.0] Learned advocate for the applicant submitted that the present applicant has been falsely implicated in the offence. Initially, the applicant was not named in the FIR, which was registered against three named accused persons and two unknown persons. It is submitted that the charge-sheet has already been filed and, therefore, nothing remains to be recovered or discovered from the applicant. It is further

submitted that a cross-complaint has been lodged wherein the uncle and brother of the present applicant lost their lives. According to the defence, the deceased himself was the aggressor and had come to the residence of the present applicant along with the co-accused persons. There is no specific allegation that the present applicant inflicted any knife blow. Even in the dying declaration of the deceased, there is no reference to the involvement of the present applicant, nor is his name mentioned therein. The deceased merely stated that he was assaulted with a sword and a knife. It is further submitted that the present FIR has been lodged as a counterblast to the cross-complaint. Prior to the lodging of the present FIR, a complaint had already been filed by the witnesses from the side of the present applicant. It is submitted that the complainant lodged the present complaint belatedly as a retaliatory measure. The only allegation against the present applicant is that he assaulted the victim with kick and fist blows. No allegation has been made that he used any sharp-edged weapon. It is further submitted that the cause of death was a stab injury and no such injury is attributed to the present applicant. The charge-sheet has been filed, the co-accused have already been enlarged on bail, and the present applicant has been in custody since 24.10.2025. Considering that the trial is proceeding at a snail's pace, he submits that the applicant may be enlarged on regular bail by imposing suitable conditions.

[4.0] Learned APP opposed the application and submitted that the present applicant is involved in a serious offence of murder. It is submitted that the applicant, along with the co-accused,

assaulted the deceased, who was the brother of the complainant, and therefore his role is serious and cannot be viewed in isolation. It is further submitted that the role of the present applicant is equal to that of the co-accused who inflicted the knife blow, as the deceased ultimately succumbed to the injuries sustained during the incident. It is further submitted that if the applicant is released on bail, the possibility of tampering with evidence or threatening prosecution witnesses cannot be ruled out. Therefore, the present application deserves to be rejected. Learned APP further submitted that even while in custody, the applicant attempted to settle the dispute, and before the learned Sessions Judge, the complainant had filed a compromise affidavit, which prima facie indicates the possibility of influencing witnesses and tampering with evidence. Therefore, present application does not deserve consideration.

[5.0] While granting bail, the Court has to consider the involvement of the accused in the alleged offence, the jurisdiction to grant bail has to be exercised on the basis of the well settled principles having regard to the facts and circumstances of each case and the following factors are to be taken into consideration while considering an application for bail: (i) the nature of accusation and the severity of the punishment and the nature of the materials relied upon by the prosecution; (ii) reasonable apprehension of tampering with the witnesses and threat to the complainant or the witnesses; (iii) reasonable possibility of securing the presence of the accused at the time of trial or the likelihood of his abscondence; (iv) character behaviour and standing of the accused and the circumstances which are

peculiar to the accused; (v) larger interest of the public or the State and similar other considerations are required to be considered.

[6.0] Having heard the learned advocates appearing for the respective parties and having perused the investigation papers, it appears that the present applicant has been arraigned as an accused and that a cross-complaint has also been filed in connection with the same incident. In the cross-complaint, the applicant himself is shown as a victim who sustained knife injuries. The charge-sheet has already been filed and the case has culminated into Sessions Case No. 19 of 2026, which is presently pending for trial. It further appears that the FIR was initially lodged against three named persons and two unknown persons, and the name of the present applicant surfaced during the course of investigation. In the cross-complaint, the applicant's brother and uncle are stated to have lost their lives. It is alleged therein that the deceased Arun had instigated the co-accused and called for a knife, which ultimately came to be used during the incident. So far as the fatal injuries sustained by the deceased Arun are concerned, the same are not alleged to have been inflicted by the present applicant.

[6.1] It also appears that a cross-complaint has been filed and a Coordinate Bench, while enlarging the co-accused on bail in the cross-case, observed that the incident appeared to be a case of free fight. Therefore, at this stage, the question as to who was the aggressor is not of much relevance, as appreciation of evidence is not permissible while deciding a bail application.

[6.2] Prima facie, the role attributed to the present applicant is that he is not named in the dying declaration of the deceased. Moreover, the specific allegation against him is that he assaulted the deceased with kick and fist blows. No fatal or lethal injury is attributed to him. The commencement and conclusion of the trial are likely to take considerable time. The applicant has been in custody since 24.10.2025 and the prosecution has cited as many as 60 witnesses.

[7.0] This Court has also taken into consideration the law laid down by the Hon'ble Apex Court in the case of **Sanjay Chandra vs. Central Bureau of Investigation reported in [2012]1 SCC 40 as well as in the case of Gudikanti Narasimhulu And Ors vs. Public Prosecutor, High Court of Andhra Pradesh reported in (1978)1 SCC 240**. Obviously, the conclusion of trial will take time and keeping the accused behind the bars is nothing but amounts to pre-trial conviction and therefore, considering the celebrated principle of bail jurisprudence is that “bail is a rule and jail is exception” as well as the concept of personal liberty guaranteed under Article 21 of the Constitution of India, present application deserves consideration.

[8.0] In the facts and circumstances of the case and considering the nature of the allegations made against the applicant in the FIR, 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. Hence, the present application is **allowed**. The applicant is ordered to be released on regular bail in connection with **FIR being C.R. No.**

11208045250768 of 2025 registered with Malviyanagar Police Station, Rajkot City on executing a personal 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/she shall;

(a) not take undue advantage of liberty or misuse liberty;

(b) not act in a manner injurious to the interest of the prosecution & shall not obstruct or hamper the police investigation and shall not to play mischief with the evidence collected or yet to be collected by the police;

(c) surrender passport, if any, to the Trial Court within a week;

(d) not leave the State of Gujarat without prior permission of the Trial Court concerned;

(e) mark presence before the concerned Police Station once in every month for a period of six months between 11.00 a.m. and 2.00 p.m.;

(f) furnish the ***Aadhaar card, email ID/present address of his residence*** to the Investigating Officer and also to the Court at the time of execution of the bond and shall not change the ***residence/contact number*** without prior permission of Trial Court;

(g) not to indulge in any illegal activity failing which learned trial Court shall issue warrant and cancel the bail of the applicant.

(h) not to enter into Rajkot District for a period of six months except for marking presence before the concerned police station and/or for attending Court;

(i) Not to contact or try to contact directly or indirectly the complainant/victim/witnesses connected with the offence.

[9.0] 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 Judge concerned will be free to issue warrant or take appropriate action in the matter.

[10.0] 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.

[11.0] At the trial, the trial Court shall not be influenced by the observations of preliminary nature qua the evidence at this stage made by this Court while enlarging the applicant on bail.

[12.0] Rule is made absolute to the aforesaid extent. Direct service is permitted.

(HASMUKH D. SUTHAR,J)

ALI

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: ISTAYAK ALI(HC01093), PRIVATE SECRETARY, at High Court of Gujarat on 16/06/2026 18:31:03