IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/CRIMINAL MISC.APPLICATION (FOR REGULAR BAIL - AFTER CHARGESHEET) NO. 21017 of 2026

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SUBAJI CHANDAJI THAKOR
Versus
STATE OF GUJARAT

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Appearance:
MR ASHISH M DAGLI(2203) for the Applicant(s) No. 1
MR UTKARSH SHARMA, APP for the Respondent(s) No. 1

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CORAM:**HONOURABLE MR. JUSTICE HASMUKH D. SUTHAR**

Date : 27/10/2026

ORDER

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

[2.0] The present regular bail application is filed under Section 483 of the Bharatiya Nagrik Suraksha Sanhita, 2023 (for short "BNSS") for regular bail in connection with FIR being **C.R. No. 11195007250649 of 2025 registered with Bhabhar Police Station, Dist. Banaskantha,** for the offence punishable under Sections 103(1), 115(2), 118(1), 118(2), 109(1), 189(2), 191(2), 191(3) and 190 of the BNS.

[3.0] Learned advocate appearing on behalf of the applicant submits that applicant is innocent and has been falsely implicated in the offence. Investigation is over and charge-sheet has been filed. Considering the same, the applicant may be enlarged on regular bail by imposing suitable conditions.

[4.0] Learned APP appearing on behalf of the respondent-State has opposed the present application on the ground that the present applicant is facing serious charges. He is named in the FIR and he has caused fracutre injury to the complainant. Considering the common object on the part of the present applicant, he has requested to dismiss the present application.

[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] I have heard the learned advocates appearing on behalf of the respective parties and perused the investigation papers. Following aspects have been considered:

(1) Investigation is over and charge-sheet has been filed;

(2) Applicant is in jail since 25.08.2026;

(3) There is nothing to be recovered or discovered from the applicant;

(4) it appears that the complaint is registered under Sections 103(1), 115(2), 118(1), 118(2), 109(1), 189(2), 191(2), 191(3) and 190 of the BNS. After registering the complaint, one injured Jesungi succumbed to injury. Subsequently Section 103 of the BNS came to be invoked;

(5) The role attributed to the present applicant is that he made an assault to the complainant viz. Balwantbhai Thakore is out of danger and discharged from the hospital;

(6) Perusing the record, it appears that the present applicant has caused fracture injury to the complainant, but not to the deceased;

(7) conclusion and Commencement of trial will take its own time;

(8) similarly situated co-accused are already released on bail by the Co-

ordinate Bench of this Court. Hence, on the ground of parity, the present application deserves consideration. Considering the decision rendered in case of **Rameshbhai Batubhai Dabhi vs. State of Gujarat** reported in **(1999) 3 GLR1150,** on the ground of parity, the present application deserves consideration;

(9) it appears that the applicant is having 2 antecedents, one offence is registered against the applicant under the MV Act and one under the Prohibition Act, however the accused is governed by presumption of innocence unless and until proved guilty;

[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 further on merit, *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 **C.R. No. 11195007250649 of 2025 registered with Bhabhar Police Station, Dist. Banaskantha,** 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 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 to leave State of Gujarat without prior permission of the Trial Court concerned;

(e) mark presence before the concerned police station once in a month for a period of six months;

(f) furnish the Aadhar 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;

[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)

KUMAR ALOK

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: ALOK KUMAR(HC01091), PRIVATE SECRETARY, at High Court of Gujarat on 27/10/2026 17:36:11