IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/CRIMINAL MISC.APPLICATION (FOR REGULAR BAIL - AFTER CHARGESHEET) NO. 22491 of 2026

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MUKESH @ MUKKO SODAWALA S/O DHIRUBHAI CHAUHAN
Versus
STATE OF GUJARAT

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Appearance:
MR VIRAT G POPAT(3710) for the Applicant(s) No. 1
MR ALINAVAZ A VAKIL(10191) for the Respondent(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 : 08/10/2026

ORDER

1) **RULE**. Learned APP waives service of rule for the respondent-State.

2) By way of present Criminal Misc. Application filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short "**BNSS**"), the applicant has sought following relief(s):-

> *"(b) To enlarge the applicant on regular bail in connection with F.I.R. (Annexure-A), being C.R.No.11198006250949 of 2025 registered with Ghogha Road Police Station, District Bhavnagar.;*
> *(c) To quash and set aside the impugned judgment and order dated 05.09.2026 passed by Ld. Sessions Judge, Bhavnagar in CR.MA No.1197 of 2026 (Annexure-E).;*

3) It is the case of the applicant that on 14.05.2025, one FIR being **C.R. No.11198006250949 of 2025** registered with **Ghogha Road Police Station, District - Bhavnagar** for the offences under Sections 103(1), 118(2), 117(2), 118(1), 115(2), 189(2),

191(2), 191(3), 190, 352, 351(3) and 54 of the Bharatiya Nyaya Sanhita was registered against him and he was arrested on the same day. Thereafter, the applicant was enlarged on regular bail vide order dated 29.09.2025, in Criminal Misc. Application No.1251 of 2025, passed by the learned Sessions Judge, Bhavnagar, wherein, condition no.7 was imposed to the effect that the applicant shall not enter the territory of Bhavnagar Municipal Corporation. It is alleged that on 12.12.2025 the applicant has breached the said condition and entered in the area of Bhavnagar Municipal Corporation. Thereafter, the State has filed an application seeking cancellation of bail granted to the applicant, by way of filing Criminal Misc. Application No.1894 of 2025, wherein, the learned Sessions Judge, Bhavnagar, vide order dated 05.01.2026, rejected the said application for cancellation of bail, however, extended the implementation of the impugned condition no.7 for a further period of six months. The said period was already expired on 05.07.2026. Prior to expiry of the said condition, the complainant on 04.07.2026 has filed application with Police Station to the effect that the applicant has once again breached the bail condition by entering the vicinity of Bhavnagar Municipal Corporation. Thereafter, the State has approached the learned Sessions Court, Bhavnagar, seeking cancellation of bail of the applicant by way of filing Criminal Misc. Application No.1197 of 2026, wherein, vide order dated 05.09.2026, the learned Sessions Judge has cancelled the bail earlier granted to the applicant. Hence, the present application is filed seeking regular bail and quashing the order of cancellation of bail of the applicant.

4) Learned advocate appearing on behalf of the applicant submits that the applicant has not breached any condition but due to

medical emergency he entered into the City and he has not tampered with the evidence or has not contacted the complainant or witnesses connected to the case and not caused any act which prejudice the case of the prosecution. Hence, he has requested to allow the present application.

5) Refuting the said arguments, the learned APP appearing on behalf of the respondent-State and learned Advocate for the original complainant have opposed the present application and requested to dismiss the present application on the ground that the applicant is having audacity to breach the condition and disobey the order of the Court. Not only that without any reason he entered into the City on the pretext of ailments which is nothing but an afterthought as the sickness was general in nature. Even on 16.09.2026 the applicant and co-accused have threatened the complainant with dire consequences. Hence, they have requested to dismiss the present application.

6) Having heard the learned Advocates appearing on behalf of the respective parties and going through the record it appears that the condition no.7 restricting the applicant from entering the territory of Bhavnagar Municipal Corporation is technical in nature and no any act which cause prejudice to the case of the prosecution and no any untoward incident has been recorded during the aforesaid period. Merely the applicant entered into the area of Bhavnagar Municipal Corporation for his ailment and his bail has been cancelled on such technical ground. This Court considering the personal liberty of and reasons stated for entering the limits of Bhavnagar Municipal Corporation is outweighs the apprehension and reasons stated by the original complainant as well as the State. Even the time extended by the

learned Sessions Judge has already expired on 05.07.2026. Considering the above, present application deserves consideration.

7) In view of the above, the present application is **partly allowed**. The impugned order dated 05.09.2026, passed in Criminal Misc. Application No.1197 of 2026, passed by the learned Sessions Judge, Bhavnagar, is hereby quashed and set aside.

8) Rule is made absolute to the aforesaid extent. Direct service is permitted.

(HASMUKH D. SUTHAR,J)

ANKIT JANSARI

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: ANKIT YOGESHBHAI JANSARI(HCW0109), ENGLISH STENOGRAPHER GRADE ONE, at High Court of Gujarat on 08/10/2026 14:41:47