IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/CRIMINAL MISC.APPLICATION (FOR SUCCESSIVE REGULAR BAIL - AFTER CHARGESHEET) NO. 24504 of 2026

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RATAN @ RATNO BHUPATBHAI BACHUBHAI VAGHELA

Versus

STATE OF GUJARAT

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Appearance:
ADITYA A CHOKSI(7835) for the Applicant(s) No. 1
MR MEET THAKKAR APP for the Respondent(s) No. 1
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CORAM:**HONOURABLE MR. JUSTICE HASMUKH D. SUTHAR**

Date : 05/11/2026

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.11198053230402 of 2023** registered with **Talaja Police Station, Dist.Bhavnagar** for the offences punishable under Sections 302, 449, 396, 201 read with Section 120(B), 34 and 452 of the Indian Penal Code, 1860 (for short "IPC") so also under Section 135 of the Gujarat Police Act.

[3.0] Learned advocate appearing on behalf of the applicant submits that applicant is innocent and has been falsely implicated in the offence and now nothing is required to be recovered or discovered. He therefore submits that, considering the nature of the offence, 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 and requested to dismiss the present application for regular bail looking to the nature and gravity of the offence.

[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. Having considered the submissions made by learned advocates for the parties, at the outset, it appears that the application is filed on the ground of delay. It also appears that after period of six months of filing of the FIR, the first accused was arrested and subsequently during the course of the investigation, merely on the basis of statement of co-accused, who is the father of the present applicant, the name of the present applicant is revealed and he is arrested. This Court is conscious of the fact that this is a serious of offence of double murder, however, there are 99 in all witnesses yet to be examined and till today, not a single witness is examined. Even

learned APP fairly draws attention of this Court that, being offence of double murder, an application for further investigation filed by the present application, is still pending. Records reveal that present offence occurred on 11.07.2023 while the present applicant was arrested on 01.02.2024 that too only on the basis of statement of co-accused who is father of the applicant. The rest of the accused are already released on bail and the present applicant is arrested without any material. Except this, no material is collected during the investigation reflecting the involvement of the present applicant.

[6.1] Even otherwise, without discussing on merits, this application requires consideration on the ground of delay as in the report dated 27.10.2026 submitted by learned 2nd Additional District and Sessions Judge, Bhavnagar at Talaja, it is indicated that Special Public Prosecutor is appointed, who has submitted application dated 28.02.2025 along with list of proposed witnesses to be examined vide Exh.24, however, at present, till date not a single witness has been examined. This application, therefore, requires consideration, on following aspects also.

(1) Applicant is behind the bars since 01.02.2024;

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

(3) The applicant is not having any past antecedent**;**

(4) The rest of the accused are already released on bail and the present applicant is arrested without any material and only on the basis of statement of co-accused who happens to be father of the present applicant, except this no material much

less collected during the investigation to involve the present applicant.

(5) Obviously commencement and conclusion of trial will take some time;

(6) Considering the right to speedy justice as enshrined under Article 21 of the Constitution of India, in howsoever serious offence or under the special Act an accused is involved, on the ground of delay in trial, the accused is entitled to be released on bail. In this regard, reference is required to be made to the decision of the Hon'ble Supreme Court in the case of **Mohd Muslim @ Hussain vs. State (NCT of Delhi)** reported in **AIR 2023 SC 1648** and **Union of India vs. K.A. Najeeb** reported in **(2021) 3 SCC 713**..

[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.11198053230402 of 2023** registered with **Talaja Police Station, Dist.Bhavnagar** 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 leave the territory of State of Gujarat without prior permission of the Trial Court concerned;

(e) furnish the ***copy of Aadhaar card, email ID/contact number / permanent and 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 and contact number/SIM card*** without prior permission of Trial Court;

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

[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)

MISHRA AMIT V.

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: AMIT VISHNUPRASAD MISHRA(HC00187), Principal Pvt. Secretary, at High Court of Gujarat on 05/11/2026 15:40:39