IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/CRIMINAL MISC.APPLICATION (FOR REGULAR BAIL - AFTER CHARGESHEET) NO. 25618 of 2026

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RAMBHAI PATABHAI BHAMMAR

Versus

STATE OF GUJARAT

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Appearance:
MR. SHAKTISINH GOHIL(2460) for the Applicant(s) No. 1
MR ROHAN N. SHAH, APP for the Respondent(s) No. 1
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CORAM:**HONOURABLE MR. JUSTICE HASMUKH D. SUTHAR**

Date : 04/11/2026

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.11198014260199 of 2026** registered with **Datha Police Station, Disrtrict Bhavnagar** for the offences punishable under Sections 103(1), 109(1), 117(2), 118(1), 115(2), 352, 351(3), 54, 324(2), 61(2) and 238 of the Bharatiya Nyaya Sanhita, 2023 (for short "BNS") and 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 vehemently opposed the present application on the ground that present application is before filing of the charge-sheet and investigation is still

going on. He has further argued that one person has lost his life and applicant herein is charged with offence under Section 103(1) of the BNS read with section 54 of the BNS i.e. criminal conspiracy and even though the applicant was not present at the scene of offence but he is the kingpin and mastermind of the entire offence and even, the deceased in his dying declaration has specifically named the present applicant. Therefore, considering the seriousness of the offence, 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) The role attributed to the applicant is that he has caused injury on left hand of the deceased. The complainant was admitted qua other injury and he was operated for leg. After 10 days of the incident the complainant succumbed to his injuries. The applicant has not caused any injury on the vital part of the complainant.

(2) The complaint in the present case is filed by the complainant who is now deceased. The case of the complainant is in two parts. In

first part, it is alleged that on 24.06.2026, present applicant and other co-accused persons went to the village of the complainant for erecting electric poles which was opposed by the complainant pursuant to which the accused persons threatened the deceased complainant with dire consequences. In the second part, on 27.06.2026 at around 4 p.m. co-accused Gigabhai Bhammar, Dhanabhai Kamaliya, Rambhai Bhammbar and Rambhai Kang (Gadhvi) again went to the village of deceased complainant for erecting electric poles in the river of village and while they were digging, the deceased complainant again approached them to obstruct them from doing so and thereafter, allegedly under the instructions of the present applicant and co-accused Rambhai, co-accused Gigabhai, Dhanabhai, Rambhai Bhammar and Rambhai Kang inflicted blows to the deceased complainant with iron pipe, wooden log and stones and caused injuries to the complainant however, the applicant was not present at the spot on the fateful day of the incident. The complainant having sustained injuries was admitted in the hospital and during the treatment, the complainant died on 07.07.2026 i.e. after 10 days of the incident;

(3) It has come on record that the complainant has given the complaint while he was under treatment and expired after 10 days of the incident and even, as per the case of the deceased / complainant in the complaint, the applicant was not present at the scene of offence and it is only alleged that under the instructions of the present applicant, the entire incident has taken place however, there is neither any overt act attributed nor any injury caused by the present applicant to the deceased and even admittedly the applicant was not present at the time of offence.

(4) So far as dying declaration is concerned, it is submitted by the learned APP that deceased has specifically named the present applicant however, perusing the dying declaration it is mentioned that, "persons of contractor K.P. Energy viz. Rambhai and

Gulabsinh" but even if we accept the allegations in the dying declaration as it is, it clearly transpires from the naked eye that said phrase is inserted subsequently;

(5) Further, there is no motive or enmity coming forth from the record of the case and so far as allegation of alleged conspiracy is concerned, no material on record which indicates that to cause the death of deceased, conspiracy was hatched;

(6) Substantial part of investigation is over / Investigation is over and charge-sheet is filed;

(7) Applicant is behind the bars since **23.06.2026**;

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

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

(10) Obviously commencement and conclusion of trial will take some time.

(11) The applicant is not having any connection with K.P. Energy as he is the Live Stock Inspector and two other persons having similar name Rambhai, are involved and they are already been released on bail. Therefore, on the ground of parity also ***(Rameshbhai Batubhai Dhabi Vs. State of Gujarat*** *reported in* ***2011 (3) GLR 1999)***, present application deserves consideration.;

[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.11198014260199 of 2026** registered with **Datha Police Station, District 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) **mark presence before the concerned Police Station once in a week till filing of the charge-sheet and after filing of the charge-sheet, mark presence before the concerned police station once in a month for a period of six months;**

(f) 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;

(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 District Bhavnagar till filing of the charge-sheet except for marking presence before the concerned police station and/or for attending the court proceedings.**

[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)

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 04/11/2026 16:59:05