IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/CRIMINAL MISC.APPLICATION (FOR REGULAR BAIL - BEFORE CHARGESHEET) NO. 27431 of 2026

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AVAN RAJNIKANT GAJJAR

Versus

STATE OF GUJARAT

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Appearance:
MR BJ TRIVEDI(921) for the Applicant(s) No. 1
MR PINAKIN M RAVAL(2495) for the Applicant(s) No. 1
MR NIRAJ SHARMA, APP for the Respondent(s) No. 1
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CORAM:**HONOURABLE MR.JUSTICE MOOL CHAND TYAGI**

Date : 12/11/2026

ORAL ORDER

1. **ISSUE RULE** returnable forthwith. Mr.Niraj Sharma, learned APP accepts and waives service of rule for the respondent-State.

2. The present application is filed under Section 483 of the B.N.S.S. 2023, for regular bail in connection with FIR being **C.R.NO. 11216025260655 OF 2026 registered with Santej Police Station, Gandhinagar** for offence under Sections 109(1), 117(2), 118(1), 118(2), 115(2), 352, 249 of B.N.S. Act and Section 135 of Gujarat Police Act.

3. Learned Advocate appearing on behalf of the applicant submits that considering the nature of the offence, the applicant may be enlarged on regular bail by imposing suitable

conditions.

4. Learned advocate appearing on behalf of the applicant submits that the applicant has not participated in the commission of the alleged offence and has nothing to do with the same. At the outset, it is submitted that the prosecution has attributed to the applicant the role of harbouring the main accused. It is submitted that the offence under Section 249 is punishable with imprisonment for a term of 3 (Three) years. Therefore, the learned Sessions Court ought to have enlarged the applicant on bail. He, therefore, submitted that the present application deserves to be allowed.

5. Per contra, learned APP appearing on behalf of the respondent-State has opposed the grant of regular bail by submitting that the applicant has played an active role in the commission of the alleged offence by harbouring the main accused. It is submitted that the applicant exchanged his mobile phone with that of the main accused with a view to misleading the investigating agency. Therefore, it is submitted that the present application deserves to be dismissed.

6. Mr. Naman Kinkhabwala, learned advocate appearing on behalf of the original complainant has submitted that, if the applicant is released on bail, he may interfere with the investigation. He, therefore, submitted that appropriate conditions be imposed upon the applicant including a restriction on entering the territorial limits of Ahmedabad and Gandhinagar.

7. It emerges from record that one Tanish Hareshkumar Patel has lodged the FIR on 17.10.2026 on the allegation that on 16.10.2025 at around 10:30 p.m., while attending the Navratri festival at the 'Crack Raas' Garba venue in Sanand village, Kalol Taluka, an altercation took place. It is stated that at around 12:00 midnight, while coming out of the venue near the main gate, a black-coloured Mercedes car without a number plate was taking a U-turn. When the informant signaled the car to stop, an occupant identified as Bhavik Gujjar alighted from the vehicle, hurled abuses and allegedly attacked the informant using an iron punch, causing injuries to his face, nose, and back, alongside other physical assaults. Thereafter, upon the intervention of friends (Sparsh Patel and Nirmay Shah), the accused fled away from the spot and the injured informant was taken to SIMS Hospital by Raghvi Bhatt, where medical examination revealed a nasal fracture and other injuries.

8. Further, it emerges from the record that, on 27.10.2026, the Investigating Officer submitted a report seeking addition of Section 249 of the BNS. Considering the allegations made in the FIR as well as the subsequent report dated 27.10.2026, it appears that the role attributed to the present applicant is that of harbouring the main accused. The principal offence alleged is that of attempt to murder. However, considering the principal offence, the punishment prescribed for the offence punishable under Section 249 of the BNS, is imprisonment for a term which may extend to three years.

9. So far as the contention raised on behalf of the original complainant that the applicant should be restrained from entering the territorial limits of Ahmedabad and Gandhinagar is concerned, it appears that the applicant is not the main accused in the alleged offence and the role attributed to him is limited to harbouring the main accused. In view of the nature of the role attributed to the applicant, the said contention raised on behalf of the original complainant does not merit acceptance and is, accordingly, rejected.

10. This Court has also taken into consideration the law laid down by the Hon'ble Apex Court in the case of Sanjay Chandra v. Central Bureau of Investigation, reported in [2012]1 SCC 40 and the role attributed to the present applicant.

11. 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.

12. Hence, the present application is allowed. The applicant is ordered to be released on regular bail in connection with FIR being **C.R.NO. 11216025260655 OF 2026 registered with Santej Police Station, Gandhinagar**, on executing a personal bond of Rs.10,000/- (Rupees Ten 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 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 between 11.00 a.m. and 2.00 p.m.; till filing of the charge-sheet.

(f) furnish the present address of his residence & mobile number to the Investigating Officer and also to the Court at the time of execution of the bond and shall not change the residence without prior permission of Trial Court;

13. 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.

14. 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.

15. 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.

16. Rule is made absolute to the aforesaid extent.

Direct service today, is permitted.

(MOOL CHAND TYAGI, J)

GIRISH

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: PARMAR GIRISH KANTILAL(HC00954), Principal Pvt Secretary, at High Court of Gujarat on 12/11/2026 13:54:16