

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CRIMINAL APPLICATION (QUASHING) NO. 15647 of 2025**

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HARESHBHAI HIRJIBHAI CHAUDHARI

Versus

STATE OF GUJARAT & ANR.

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Appearance:

MR DIVYARAJ J DODIYA(11524) for the Applicant(s) No. 1

RAFIK LOKHANDWALA(5590) for the Applicant(s) No. 1

MR.HIMANSHU PATEL, APP for the Respondent(s) No. 1

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CORAM:HONOURABLE MR. JUSTICE M. R. MENGDEY**Date : 27/11/2025****ORAL ORDER**

1. From the record it appears that the present petitioner happens to be complainant in the F.I.R. being C.R.No.11195050250670 of 2025 registered with Tharad Police Station and one of the accused in the said F.I.R. had approached the learned Sessions Court seeking regular bail. While ordering to enlarge the said co-accused on bail, the learned Sessions Court had made following observation which reads as under:-

“10. It appears from the record that the complainant was very well aware about the fact that in environment and society from which the he and the deceased belongs, act committed by the complainant, is not acceptable by the society or family of the deceased and the complainant also knew the mentality and customs of his society very well, had

committed such a serious act, which resulted in owner killing. Hence, the offence punishable under Section 46 of the BNS may be made out against the applicant and he may be considered as Abettor of the present crime. From the perusal of the complaint and record available on record, the complainant of the present case can be considered as an accused who committed the offence regarding culpable homicide which describes in Section 100 of the BNS and the act done by the complainant may be considered the offence punishable under Section 101(d) of the BNS. Therefore, the Investigating Officer should conduct the investigation keeping this aspect in mind and submit a detailed report in the context of the investigation.

11) *Hence, the I.O./P.I., Tharad Police Station is directed to take appropriate action keeping in mind the facts mentioned in the complaint and Para 7 to 10 of this order and submit the report of the action to this Court on or before 01.12.2025. The situation should be come to the knowledge of the the Superintendent of Police, Vav-Tharad District, hence a copy of this order also be sent the the Superintendent of Police Vav-Tharad District.*

12. *Now, come to the present application, I have considered the nature and gravity of the present case, role attributed to the present applicant and considering the fact that the role of the applicant is not directly committing the murder of the deceased, his role is lesser than the main accused persons who had committed the murder of the deceased and the applicant has been in custody since 09.08.2025 and the trial of the case may take some more time, this Court is of the opinion that the present applicant should be released on*

regular bail on appropriate conditions and therefore, in the interest of justice and considering the judgment pronounced by the Hon'ble Supreme Court in case of Sanjay Chandra v. CBI 2011 (0) AIJEL SC 50709 the present application for regular bail is allowed and the following order is passed.

ORDER

1] *The Criminal Misc. Application No. 467/2025 is hereby allowed.*

2] *The applicant Naranbhai Savabhai Patel is ordered to be released on bail regular bail in connection with F.I.R. No. 11195050250670/2025 registered at Tharad Police Station, Banaskantha for the offences punishable under Section 103(1), 123, 238, 61(2), 54 of the BNS, on executing Personal Bond of Rs. 50,000/- (Rupees Fifty Thousand only) with surety of the like amount, to be furnished in the concerned Court, to the satisfaction of the Court, subject to following conditions:-*

1] *The applicant shall not take undue advantage of his liberty or misuse his liberty.*

2] *The applicant shall not contact the complainant in any manner or shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or to the Police Officers or tamper with the evidence.*

3] *The applicant is directed to download E-Courts*

App and directed that he will take his case in 'my case' and directed to re-main alert the dates of proceedings of this case.

4] The applicant shall not leave India without prior permission the concerned Court.

5] The surety of the applicant shall have to produce his photo graphs at the time of executing the Surety Bond, and the photo graphs shall not be more than six months' old.

6] The Investigating Officer is directed to verify the permanent addresses of the applicant and to furnish a Report in this respect before the concerned court.

3] A copy of this order be sent to the DSP, Vav-Tharad District as well as P.I., Tharad Police Station for compliance of directions raised in para no.7 to 11 of this order.

4] A yadi of this order be sent to the concerned Police Station.”

2. Issue notice returnable on 06.03.2026.

Ad-interim relief in terms of Para-12(D) is granted till the next date of hearing.

NABILA

(M. R. MENGDEY,J)