

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CRIMINAL MISC.APPLICATION (FOR SUCCESSIVE REGULAR BAIL -
AFTER CHARGESHEET) NO. 12593 of 2026****With
R/CRIMINAL MISC.APPLICATION NO. 12605 of 2026
With
R/CRIMINAL MISC.APPLICATION NO. 12607 of 2026****=====**
SATRABHAI RAMABHAI DAMOR
Versus
STATE OF GUJARAT
=====**Appearance:****MR AJ YAGNIK(1372) for the Applicant(s) No. 1**
MR MEHUL B DHONDE(12928) for the Applicant(s) No. 1
PUBLIC PROSECUTOR for the Respondent(s) No. 1
=====**CORAM:HONOURABLE MR. JUSTICE NIKHIL S. KARIEL****Date : 02/07/2026****COMMON ORAL ORDER**

1. Heard learned advocate Mr.A.J.Yagnik with learned advocate Mr.M.B.Dhonde appearing on behalf of the applicants and learned Additional Public Prosecutor Mr.Hardik Soni appearing on behalf of the respondent-State.

2. **Rule.** Learned APP waives service of rule on behalf of the respondent-State.

3. The applicants have filed these applications under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 for enlarging the applicants on Regular Bail in connection with FIR being C.R. No. 11195002250650/2025 registered

with Ambaji Police Station, Banaskantha for the offence punishable under Sections 189(2), 189(3), 191(2), 191(3), 190, 109(1), 118(2), 118(1), 115(2), 125, 326(f), 121(1), 221, 132, 126(2), 324(5), 61(2), 351(3) of the BNS, Sections 3, 7 of the Prevention of Damage to Public Property Act and Section 135 of the Gujarat Police Act.

4. Learned advocate for the applicant would submit that considering the role attributed to the applicants, and nature of the allegation levelled, the applicants may be enlarged on regular bail. It is further submitted that since the charge-sheet is filed no useful purpose would be served by keeping the applicants in jail for indefinite period. It is further contended that the applicants are ready and willing to abide by all the conditions that may be imposed by this Court if released on bail.

5. As against the same, learned Additional Public Prosecutor appearing for the respondent - State has vehemently objected to the grant of regular bail. Learned APP has submitted that looking to the nature of offence and the role attributed to the present applicants as coming out from the charge-sheet, this Court may not exercise the discretion in

favour of the applicants and the application may be dismissed.

6. I have heard learned advocates appearing on behalf of the respective parties and perused the papers. Following aspects are considered:-

i. The allegation being that the accused had assaulted the forest officials and police officials when they were discharging their duties and had caused serious injuries.

ii. As against the same, it would appear that while the role attributed to the applicant of Criminal Misc. Application No.12605/2026 is of being a prime conspirator and being armed with an axe/sharp edged weapon, allegation against the applicant of Criminal Misc. Application No.12593/2026 being that he was present during the confrontation and armed with a stick and the allegation against the applicant of Criminal Misc. Application No.12607/2026 being that he was present in a confrontation armed with a wooden log.

iii. This Court has considered the fact that there is no material against the present applicants except a video recording of the alleged incident, the same is neither part of the charge-sheet nor does it appear that the applicants were part thereof, as submitted by learned advocate

Mr.Yagnik.

iv. It also appears that the present applicants have been implicated based upon self-implicatory statement by the applicants themselves.

v. This Court has also considered the fact that a learned Coordinate Bench vide an order dated 17.06.2026 in Criminal Misc. Application No.12583/2026 had been pleased to enlarge a co-accused having similar role.

vi. Having regard to the above aspects, this Court is inclined to grant these applications.

This Court has 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.**

7. In the facts and circumstances of the case and considering the nature of the allegations made against the applicants in the First Information Report, 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 applicants on regular bail.

8. Hence, the present application is allowed. The applicants are ordered to be released on bail in connection with F.I.R. registered as C.R. No. 11195002250650/2025 registered with Ambaji Police Station, Banaskantha, on executing a bond of Rs.10,000/- (Rupees Ten Thousand only) each with one surety of the like amount each to the satisfaction of the trial Court and subject to the conditions that they shall;

[a] not take undue advantage of liberty or misuse liberty;

[b] not act in a manner injurious to the interest of the prosecution;

[c] surrender passport, if any, to the lower court within a week;

[d] not leave the State of Gujarat without prior permission of the Sessions Court concerned;

[e] furnish the present address of residence to the I.O. and also to the Court at the time of execution of the bond and shall not change the residence without prior intimation to the I.O.;

[f] the applicant of Criminal Misc. Application No.12605/2026 to not enter the limits of Ambaji Police Station, Banaskantha for a period of six months from the

date of his release and mark his presence before the Danta Police Station, Banaskantha once a month for a period of six months;

[g] the applicants of Criminal Misc. Application No.12593/2026 and 12607/2026 to mark their presence once a month for a period of six months before the concerned police station.

9. 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 Court concerned will be free to take appropriate action in the matter.

10. 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. At the stage of trial, the trial court shall not be influenced by any observations of this Court which are of preliminary nature made at this stage, only for the purpose of considering the application of the applicant for being released

on regular bail.

12. This Court while has released the applicants on regular bail, has noticed a very disturbing aspect inasmuch as vide order dated 08.05.2026, the learned In-charge Sessions Judge, Banaskantha while rejecting the bail application of the present applicants amongst others, has passed certain scathing observations against the present applicants which appear to be in the teeth of the observations of this Court vide order dated 27.04.2026 in Criminal Misc. Application No.7656/2026. It also appears that the said order had been placed before the learned Sessions Court and whereas, the learned Sessions Court was well aware about the observations of this Court. It also appears that the learned Sessions Court had well exceeded its jurisdiction under Section 483 of the BNSS while directing that the order be placed before the District Magistrate as well as the Principal Secretary, GAD, Chief Secretary, Government of Gujarat and "Higher Ups" of the Police Department for necessary implementation of the directions of the Hon'ble Apex Court qua mob violence and mob lynching in case of one Kodungallur Film Society vs. Union of India reported in 2018 (10) SCC 713 and Tehseen

Poonwalla vs. Union of India reported in AIR 2018 SC 3354. Learned Sessions Court has also prima facie observed that the offence committed by the present applicants is nothing but an offence of land grabbing and the District Magistrate needs to take appropriate action thereupon.

12.1. At this stage, learned advocate Mr.Yagnik as well as learned APP Mr.Soni would draw the attention of this Court to an order dated 17.06.2026 passed by a learned Coordinate Bench in Special Criminal Application (Direction) No.7434/2026 whereby the very order in question had been challenged by the applicants, more particularly, with regard to the direction of forwarding the decision to the authorities referred to hereinabove and whereas, it appears that the order is directed to be stayed and continues to remain so. Learned APP would further submit that since the learned Coordinate Bench has been approached, this Court may not pass any orders against the order in question.

13. To this Court, it would appear that while the Special Criminal Application has been preferred by the applicants themselves only for expunging the observations, yet, to this Court, when the order in question is before this Court more

particularly the same being under challenge before this Court, the prima facie exceeding of jurisdiction by the learned In-charge Sessions Court could not be and ought not to be overlooked by this Court. Hence, at this stage, let a copy of the present applications be forwarded to the Law Officers Branch and whereas, on the next date i.e. on 28.07.2026, the Law Officers Branch shall remain present through a learned advocate as regards the observations of this Court above.

Direct service of the order is permitted.

Bhoomi

(NIKHIL S. KARIEL,J)