

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/CRIMINAL MISC.APPLICATION (FOR REGULAR BAIL - AFTER
CHARGESHEET) NO. 15095 of 2026**

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MANUBHA @ VANRAJSINH BACHUBHA ZALA & ANR.
Versus
STATE OF GUJARAT

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Appearance:

MR PRAVIN GONDALIYA(1974) for the Applicant(s) No. 1,2
MR HARDIK MEHTA, APP for the Respondent(s) No. 1

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CORAM:HONOURABLE MR. JUSTICE HASMUKH D. SUTHAR
Date : 06/07/2026

ORDER

- 1) **RULE.** Learned APP waives service of rule for the respondent-State.
- 2) 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.I-52 of 2015** registered with **Thara Police Station, District : Banaskantha**, for the offence under Sections 323, 324, 325, 504 and 114 of the IPC.
- 3) Learned advocate appearing on behalf of the applicants submits that applicants are innocent and have been falsely implicated in the offence. It is submitted that the present applicants had earlier been released on bail. However, at the stage of recording the further statements of the accused persons under the relevant provisions of law, the applicants remained absent before the learned Sessions Court. Consequently, a non-bailable warrant came to be issued against them, and the applicants were taken into judicial custody on 27th April 2026.He therefore submits that, considering the nature of the offence, the applicants may be enlarged on regular bail by imposing suitable conditions.
- 4) Learned APP appearing on behalf of the respondent-State has opposed the present application and and requested to dismiss the present application considering the nature and gravity of offence.

- 5) 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) I have heard the learned advocates appearing on behalf of the respective parties and perused the investigation papers. Further, following aspects have been considered:
- (1) Investigation is over and charge-sheet is filed;
 - (2) applicants are arrested on 27.04.2026;
 - (3) It appears that the FIR being C.R. No. I-52 of 2015 came to be registered with Thara Police Station, District Banaskantha, for the offences punishable under Sections 323, 324, 325, 504 and 114 of the IPC. After completion of the investigation, the case was culminated into Sessions Case No. 79 of 2016, which is presently pending for adjudication. The present applicants had earlier been released on bail. However, at the stage of recording the further statements of the accused persons under the relevant provisions of law, the applicants remained absent before the learned Sessions Court. Consequently, a non-bailable warrant came to be issued against them, and the applicants were taken into judicial custody on 27th April

2026.

(3.1) Thereafter, the applicants preferred an application for regular bail before the learned Sessions Court. The said application came to be rejected by the learned 5th Additional Sessions Judge, Banaskantha, without examining the merits of the case, primarily on the ground that the Sessions Case, which is nearly ten years old, had reached the stage of recording the further statements of the accused.

(3.2) It appears that the further statements have since been recorded and the matter has been kept for pronouncement of the order on 10th June 2026. However, the learned Additional Sessions Judge has observed that there were allegations that certain members of the High Court staff might attempt to influence the proceedings, which, if true, would amount to serious misconduct and could constitute contempt. The learned Judge further recorded that she was unable to take any action or report the matter to the concerned authority of the High Court and expressed her inability to proceed in the matter under such circumstances.

(3.3) The learned Judge also recorded that she had addressed a communication dated 27th May 2026 to the learned Principal District Judge, Banaskantha at Palanpur, seeking appropriate administrative guidance. However, as no response had been received till 16th June 2026, and since the post of the learned Principal District Judge was lying vacant, she found herself unable to keep the bail application pending indefinitely. The learned Judge observed that any further delay in deciding the application might invite allegations against her. Accordingly, without entering into the merits of the case, she rejected the bail

application.

- (4) In the aforesaid background, this Court is of the view that the matter concerns the personal liberty of the applicants. Since the learned Sessions Judge has not adjudicated the bail application on its merits, this Court, being vested with concurrent jurisdiction, is competent to examine the request independently. Moreover, considering that the only allegation against the applicants is their failure to remain present before the learned Sessions Court for recording of their further statements which have now admittedly been recorded and further considering that the applicants had earlier been released on bail, this Court is of the considered opinion that the present application deserves to be allowed, subject to the imposition of stringent and appropriate conditions.
- 7) 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) In the facts and circumstances of the case and considering the nature of the allegations made against the applicants 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 applicants on regular bail. Hence, the present application is allowed. The applicants are ordered to be released on regular bail in connection with FIR being **C.R. No.I-52 of 2015** registered with **Thara Police Station, District : Banaskantha** on executing a personal bond of Rs.25,000/- (Rupees Twenty-five Thousand only) each 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 to leave State of Gujarat without prior permission of the Trial Court concerned;
- (e) mark presence before the concerned Police Station once a month for a period of three months between 10.00 am to 2.00 p.m.;
- (f) furnish the Aadhar card, email ID/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/contact number without prior permission of Trial Court;
- (g) The applicants shall file an undertaking that they shall regularly attend the Court proceedings. In the event of their absence, the applicants shall, through their advocate, mark their presence and, if the proceedings are conducted in their absence, they shall not dispute the same.
- (h) The learned Sessions Judge shall be at liberty to impose any other appropriate condition(s), if found necessary, for securing and ensuring the presence of the applicants during the course of the trial.

- 9) The authorities will release the applicants only if they are 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) 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 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 applicants on bail.
- 12) Rule is made absolute to the aforesaid extent. Direct service is permitted.

KUMAR ALOK

(HASMUKH D. SUTHAR,J)