

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/CRIMINAL APPEAL (REGULAR BAIL - AFTER CHARGESHEET) NO.
1646 of 2026

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RAVIKUMAR BHARATBHAI JOSHI
Versus
STATE OF GUJARAT & ANR.

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Appearance:

MR. KULDEEP K JEBALIYA(18888) for the Appellant(s) No. 1
MR. MAHAVIR . K. JEBALIYA(14136) for the Appellant(s) No. 1
MR. RAJDEEP R VALA(17287) for the Appellant(s) No. 1
MR P S DATTA(11324) for the Opponent(s)/Respondent(s) No. 2
MR HARDIK MEHTA, APP for the Opponent(s)/Respondent(s) No. 1

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CORAM: **HONOURABLE MR. JUSTICE HASMUKH D. SUTHAR**

Date : 06/08/2026

ORDER

- 1) Present appeal under Section 14-A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as "**Atrocity Act**") challenging the order dated 07.03.2026 passed by the learned 3rd Additional District Judge, Dhari, District - Amreli in Criminal Misc. Application No.48 of 2025, whereby the learned Judge rejected the application filed by the present appellant under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (For short "**BNSS**") seeking regular bail in connection with FIR being **C.R. No.11193018250541 of 2025** registered with **Dhari Police Station, District - Amreli** for the offences punishable under Sections 352 and 356(2) of the Bharatiya Nyaya Sanhita, 2023 (For short "**BNS**") and under Sections 3(1)(U) of the Scheduled Castes and Scheduled Tribes (Prevention Atrocities) Act.

- 2) Having heard the learned advocate for the appellant, learned Advocate for the original complainant and learned APP for the respondent – State and perusing the papers, it appears that the appellant was arrested on 23.12.2025 in connection with the above mentioned FIR. Thereafter, charge-sheet is filed and bail application of the appellant was rejected on the ground of appellant having six antecedents. The allegations against the appellant is that he has uploaded the video in which he portrayed the complainant as a bootlegger. There were three prohibition cases were registered against him but he was not convicted by any competent Court though he was portrayed as bootlegger and further to insult his caste as he was invited by one Rajgor Brahmin community in a marriage function. The applicant shown his dislike and stated that the person belongs to SCST Caste should not be invited in marriage function of Brahmin Community. Except this no role or allegation against the applicant. Considering the quantum of punishment and alleged involvement in the offence the present appeal deserves consideration on two grounds i.e. the commencement and conclusion of trial will take time and merely having past antecedents is not a ground to refuse the bail as the appellant is governed by presumption of innocence unless and until proved guilty. Hence, the present appeal deserves consideration.
- 3) It is equally incumbent upon the Court to exercise its discretion judiciously, cautiously and strictly in compliance with the basic principles laid down in a plethora of decisions of the Hon'ble Apex Court on the point. It is well settled that, among other circumstances, the factors to be borne in mind while considering an application for bail are (i) whether there is any prima facie or reasonable ground to believe that the accused had committed the

offence; (ii) nature and gravity of the accusation; (iii) severity of the punishment in the event of conviction; (iv) danger of the accused absconding or fleeing, if released on bail; (v) character, behaviour, means, position and standing of the accused; (vi) likelihood of the offence being repeated; (vii) reasonable apprehension of the witnesses being influenced; and (viii) danger, of course, of justice being thwarted by grant of bail. Though at the stage of granting bail an elaborate examination of evidence and detailed reasons touching the merit of the case, which may prejudice the accused, should be avoided.

- 4) Further, in view of the decision of the Hon'ble Apex Court in the case of **Hitesh Verma vs. State of Uttarakhand** reported in **(2020) 10 SCC 710**, bar of section 18 of the Atrocity Act would not be applicable. In view of the above, if the appellant is not released on bail then it will be pre-trial conviction and considering the principle of bail is rule and jail is exception, present appeal deserves consideration with appropriate conditions. 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**.
- 5) Hence, the present appeal is allowed. The impugned order dated 07.03.2026 passed by the learned 3rd Additional District Judge, Dhari, District – Amreli in Criminal Misc. Application No.48 of 2025 is hereby quashed and set aside and the appellant is ordered to be released on regular bail in connection with FIR being **C.R. No.11193018250541 of 2025** registered with **Dhari Police Station, District - Amreli** 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;

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

[d] not leave the India without prior permission of the concerned trial court;

[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.;

[f] furnish the present address of residence 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 the concerned trial court;

[g] shall not take undue advantage of liberty for prolonging the trial by taking unnecessary adjournment;

[h] if the applicant is found to be indulged in any illegal activities in future, the trial Court concerned will be free to issue warrant and cancel the bail granted to the applicant.

- 6) The authorities shall release the appellant only if the appellant 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. 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.

- 7) At the trial, the Trial Court shall not be influenced by the *prima facie* observations made by this Court in the present order.
- 8) Appeal is allowed accordingly. Direct service is permitted.

ANKIT JANSARI

(HASMUKH D. SUTHAR,J)