

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD****R/CRIMINAL MISC.APPLICATION (FOR SUCCESSIVE REGULAR BAIL -  
AFTER CHARGESHEET) NO. 21209 of 2026**

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ARJUNBHAI SUKHABHAI HALPATI

Versus

STATE OF GUJARAT

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Appearance:

MR P P MAJMUDAR(5284) for the Applicant(s) No. 1

MR UTKARSH SHARMA ADDITIONAL PUBLIC PROSECUTOR for the  
Respondent(s) No. 1

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**CORAM:HONOURABLE MR. JUSTICE NIKHIL S. KARIEL****Date : 23/09/2026****ORAL ORDER**

1. Heard learned Advocate Mr. P.P. Majmudar on behalf of the applicant and learned Additional Public Prosecutor Mr. Utkarsh Sharma on behalf of the respondent-State.

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

3. The present applicant who has been arraigned as accused has preferred this application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 for enlarging the applicant on Regular Bail in connection with FIR being **C.R. No. 11200038251514 of 2025 registered with Pardi Police Station, District: Valsad** for the offence punishable under Sections 105, 212 and 54 of the Bhartiya Nyay Sanhita, 2023 and Section 3 of the Black Magic Act, 2023.

4. Learned Advocate for the applicant would submit that considering the role attributed to the applicant, and nature of the allegation levelled, the applicant 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 applicant in jail for indefinite period. It is further contended that the applicant is 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 applicant as coming out from the charge-sheet, this Court may not exercise the discretion in favour of the applicant and the application may be dismissed.

6. This Court has heard learned Advocates for the respective parties and perused the FIR as well as order passed by learned Session Court as well as affidavit filed by the investigating officer before the learned Trial Court.

7. This Court has also considered the following aspects:

- (i) Allegation being very serious inasmuch as the accused had caused death of the deceased, the deceased being daughter of the present applicant by applying some burning cotton wicks on various part of her body.

(ii) It would appear in this regard that the allegation as stated by the complainant who appears to be mother of the deceased being that the present accused and other co-accused, who were present in the house of the present applicant, had applied burning cotton wicks, on various part of the body of the deceased daughter of the applicant more particularly upon the deceased daughter herself instructing them to do so since the deceased was of the belief that she was possessed.

(iii) It would also appear that the co-accused, i.e another daughter of the present applicant, who was also a Nurse, had done some home treatment of the deceased and whereas her condition had deteriorated and whereas was shifted to hospital unfortunately she had succumbed to the injuries.

(iv) As against the same, this Court notices, as per the FIR, that the present applicant, though, was instrumental in applying burning cotton wicks on various of the body of the deceased, yet, the same clearly appears to be an act, upon the instructions of the deceased daughter, who believed that she was possessed.

(v) It also appear that while the mother i.e the complainant had tried to stop the accused yet, since the deceased daughter had told the father and her sister to do so, they had gone ahead and done the same.

(vi) It also appears that the applicant, and his daughter had

tried to treat the deceased at their resident only, and whereas it is only upon the condition of the deceased deteriorating that they had taken her to hospital where she unfortunately expired.

(vii) It also appears that co-accused-daughter as noticed hereinabove, was a Nurse, who could have otherwise treated normal injuries.

(viii) This Court has noticed that the entire incident, does not reflect any *mens rea* on part of the present applicant rather it would reflect rash and negligence act on part of the applicant.

(ix) This Court also notices that the present applicant is in custody since 18.04.2025, the charge-sheet having been laid by the Investigating Office and the applicant not having any other antecedents.

8. 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.

9. In the facts and circumstances of the case and considering the nature of the allegations made against the applicant 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 applicant on regular bail.

10. Hence, the present application is allowed. The applicant is ordered to

be released on bail in connection with FIR being **C.R. No. 11200038251514 of 2025 registered with Pardi Police Station, District: Valsad** on executing a bond of **Rs.25,000/- (Rupees Twenty Five Thousands 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 State of Gujarat without prior permission of the Sessions Court concerned;

[e] Mark his presence at the concerned Police Station once in a month for a period of six months.

[f] 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 residential address without prior permission of the Sessions Court;

11. 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 take appropriate action in the matter.

12. 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.

13. 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.

14. The application is allowed in the aforesaid terms. Rule is made absolute to the aforesaid extent. Direct service is permitted.

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**(NIKHIL S. KARIEL,J)**