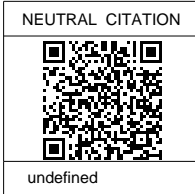


**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD****R/CRIMINAL MISC.APPLICATION NO. 10764 of 2024  
(FOR REGULAR BAIL - BEFORE CHARGESHEET)**=====  
**ASLAMBHAI HUSENBHAI KALAGATHARA****Versus****STATE OF GUJARAT**  
=====**Appearance:****MR JIGAR PATEL for MR ASHISH M DAGLI(2203) for the  
Applicant(s) No. 1****MR SOAHAM JOSHI APP for the Respondent(s) No. 1**  
=====**CORAM:HONOURABLE MR. JUSTICE DIVYESH A. JOSHI****Date : 14/06/2024****ORAL ORDER**

1. Rule. Learned APP waives service of notice of rule for respondent – State of Gujarat.
2. The present application is filed under Section 439 of the Code of Criminal Procedure, 1973, for regular bail in connection with the FIR being C.R. No.11211045230332/2023 registered with the Sayla Police Stations, Surendranagar for the offence punishable under Sections 286 and 114 of the Indian Penal Code and under Sections 4, 9(b)(1-b) and 12 of the Explosive Substance ACT.
3. Learned advocate for the applicants submitted that the so-called incident has taken place on 30.09.2023, for which, the FIR has been lodged on 30.09.2023 and the applicants have been arrested in connection with the same on 16.05.2024 and since then, he is in judicial custody. Learned



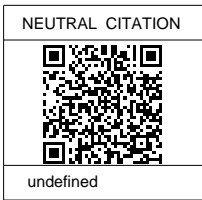
advocate submitted that the present application is preferred before submission of the chargesheet, however, virtual investigation is concluded. Learned advocate submitted that FIR has been registered against total 5 accused persons, the applicant is not named, however during the course of investigation, on the strength of the statement of the co-accused, the applicant is arraigned as accused. Learned advocate submitted that co-accused, who are named in the FIR, have already been enlarged on anticipatory bail by the Coordinate Bench of this Court as well as regular bail by this Court. It is, therefore, urged that considering the nature of the offence and on the ground of parity, the applicants may be enlarged on regular bail by imposing suitable conditions.

4. Learned APP for the respondent-State has opposed grant of regular bail looking to the nature and gravity of the offence. It is submitted that the role of the present applicants is clearly spelt out from the papers of the chargesheet and, hence, the present application may not be entertained.
5. Learned advocates appearing on behalf of the respective parties do not press for further reasoned order.
6. I have heard the learned advocates appearing on behalf of the respective parties and perused the papers of the investigation and considered the allegations levelled against the applicants and the role played by the applicant. It is found out



from the record that the present application is preferred before submission of the chargesheet but virtual investigation is completed and the applicants are in jail since 16.05.2024. I have considered the role attributed to the present applicants at the time of commission of crime and the role of the co-accused, who have been considered for anticipatory bail as well as regular bail. Therefore considering the above factual aspects and on the ground of parity, the present application deserves to be allowed.

7. This Court has also 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 as well as in case of **Satender Kumar Antil v. Central Bureau of Investigation & Anr.** reported in (2022) 10 SCC 51.
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.
9. Hence, the present application is allowed. The applicants are ordered to be released on regular bail in connection with the FIR being C.R. No.11211045230332/2023 registered with the Sayla Police Stations, Surendranagar on executing a



personal bond of Rs.15,000/- (Rupees Fifteen Thousand only) each with one surety each of the like amount 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 injuries to the interest of the prosecution;

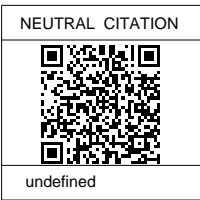
[c] surrender passport, if any, to the concerned court within a week;

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

[e] mark presence before the concerned Police Station on alternate Monday of every English calendar 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 this Court;

10. The authorities will release the applicant only if they are is not required in connection with any other offence for the time being. If breach of any of the above conditions is committed, the concerned 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.

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.

**(DIVYESH A. JOSHI, J.)**

Gautam