

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD****R/CRIMINAL APPEAL (REGULAR BAIL - AFTER CHARGESHEET) NO.
1273 of 2026**

=====

YAKUB IBRAHIM MUSA PATEL

Versus

STATE OF GUJARAT & ANR.

=====

Appearance:

MR OI PATHAN(7684) for the Appellant(s) No. 1

NOTICE SERVED THRU CONCERNED POLICE STATION for the

Opponent(s)/Respondent(s) No. 2

MS VRUNDA SHAH, APP for the Opponent(s)/Respondent(s) No. 1

=====

CORAM:HONOURABLE MR. JUSTICE HASMUKH D. SUTHAR

Date : 01/09/2026**JUDGMENT**

Though served, none appears for the respondent No.2.

[1.0] ADMIT. Learned APP waives service of notice of Admission for and on behalf of the respondent No.1 – State of Gujarat.

[2.0] Present appeal under Section 14-A of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 (hereinafter referred to as "Atrocity Act") challenging the common judgment and order dated 25.03.2026 passed by the learned 2nd Additional Sessions Judge, Bharuch in Criminal Misc. Application No.221 of 2026 whereby the learned Judge rejected the application filed by the present appellant under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 seeking regular bail in connection with FIR being **C.R. No.11199011260002 of 2026** registered with **Bharuch Rural Police Station, District Bharuch** for the offences punishable under Sections 79, 115(2), 117(1), 118(2), 352, 351(3), 189(2), 189(4), 191(1), 191(2), 191(3) and 190 of the Bharatiya Nyaya Sanhita, 2023 (for short "BNS");



sections 3(1)(r), 3(1)(s), 3(1)(y), 3(1)(w)(ii), 3(1)(za)A, 3(2)(v) and 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act (for short "Atrocity Act") and section 135 of the Gujarat Police Act.

[3.0] Learned advocate for the appellant submitted that the appellant is not involved in the commission of offence and has been falsely enroped in the offence and investigation is over and charge-sheet is filed. Further, the applicant is behind the bars since 16.01.2026 and therefore, the appellant is required to be enlarged on regular bail by imposing suitable terms and conditions.

[4.0] *Per contra*, learned APP appearing for the respondent – State has vehemently opposed the present appeal and stated that there is *prima facie* evidence against the appellant and if released on bail then there is no possibility to stand to trial by the appellant and there is possibility of tampering with the evidence and hence, she has requested to dismiss the present appeal.

[5.0] I have given thoughtful consideration to the arguments canvassed by learned advocates for both the sides.

[5.1] The case of the prosecution is that the appellant inflicted made castiest slur on the witness Varshaben and except this, no role is attributed to the present appellant and in this regard complaint is filed. It is pertinent to note that investigation is over and nothing is required to be recovered or discovered from the present appellant since the charge-sheet is filed. 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 and this Court has also considered the fact that the appellant is not having any past antecedent, 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**. Further, the co-accused has been considered by the coordinate Bench and therefore, in view of decision of this Court in the case of **Ramesh Batubhai Dabhi vs. State of Gujarat** reported in **2011 (3) GLR 1150**, appellant is entitled to the benefit of parity.

[6.0] Hence, the present appeal is allowed. The impugned order dated 25.03.2026 passed by the learned 2nd Additional Sessions Judge, Bharuch in Criminal Misc. Application No.221/2026 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.11199011260002 of 2026** registered with **Bharuch Rural Police Station, District Bharuch** on executing a personal bond of Rs.15,000/- (Rupees Fifteen Thousand Only) with one surety of the like amount to the satisfaction of the trial Court and subject to the conditions that the appellant 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;

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

[7.0] 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.

[8.0] At the trial, the Trial Court shall not be influenced by the *prima facie* observations made by this Court in the present order.

[9.0] Appeal is allowed accordingly. Direct service is permitted.

(HASMUKH D. SUTHAR, J.)

Ajay