



**IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPEAL NO. 3003 OF 2025
(@ SLP (Crl.) No.10241/2025)
(@ Diary No.26198/2025)

ILES HKUMAR VALABHAI KHER

Appellant(s)

VERSUS

THE STATE OF GUJARAT

Respondent(s)

O R D E R

1. Delay condoned.

2. Leave granted.

3. Heard learned counsel for the appellant and Shri S.V. Raju, learned Additional Solicitor General for the State of Gujarat-respondent assisted by Ms. Swati Ghildiyal, Advocate-on-Record.

4. This appeal arises from an Order of the High Court of Gujarat rejecting the bail prayer of the appellant in connection with FIR C.R.No.11208053240496 of 2024 at Rajkot Taluka Police Station, Rajkot.

5. An unfortunate fire incident occurred at a gaming zone resulting in death of 27 persons and injuries to several others. A detailed investigation was carried out and a charge-sheet was laid against several accused citing 365 witnesses.

6. The appellant herein is District Chief Fire Officer who has been indicted for failure in performing his duties to prevent such fire accidents when the law required him to be vigilant for ensuring that proper fire prevention safety measures are in place, particularly at places where public gather in large number. The culpability of the appellant is highlighted by a similar fire incident which had occurred, though of not much magnitude, on 04.09.2023.

7. To press his bail prayer, the learned counsel for the appellant, inter alia, submitted that in a worse case scenario, the case against him would be of negligence in performance of duties and the charge, in no circumstance, would travel to that of culpable homicide not amounting to murder. It has been submitted that the appellant has already suffered incarceration of over a year and with 365 witnesses to be examined in the trial there is no possibility of the trial being completed in near future.

In such circumstances, it is the prayer of the appellant that he be released on bail. It has also been submitted that the appellant is a person with clean antecedents and there is no possibility of him misusing the liberty of bail.

8. The learned counsel for the respondent-State submitted that it is a case where there has been dereliction of duties, not once but twice, and since the gaming activity was at a large scale, the law required the appellant to carry out an inspection and stop such activity in absence of fire safety/clearances. In such circumstances, it is argued, as to what offence would ultimately be made out against the appellant would depend on the evidence led during the course of trial and therefore, it would not be appropriate to observe on the merits of the charge.

9. Be that as it may, having regard to the nature of allegations against the appellant which puts the appellant more in a supervisory role than an actual participant in the fire incident, and having regard to the fact that he has been in jail for a period exceeding one year with there being remote possibility of the trial being completed in near future, we are of the view that the appellant is entitled to be released on bail

pending trial. The appeal is, therefore, allowed. The bail rejecting order dated 30.01.2025 passed by the High Court is set aside. The appellant shall be released on bail on such conditions as the trial court may deem fit in facts and circumstances of the case.

10. Pending application(s), if any, shall stand disposed of.

.....J.
[MANOJ MISRA]

.....J.
[UJJAL BHUYAN]

New Delhi;
16th July, 2025

ITEM NO.41

COURT NO.16

SECTION II-E

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

SPECIAL LEAVE PETITION (Crl.) Diary No(s). 26198/2025

[Arising out of impugned final judgment and order dated 30-01-2025 passed by the High Court of Gujarat at Ahmedabad in Crl. Misc. Application No.21188/2024]

ILESHKUMAR VALABHAI KHER

Appellant(s)

VERSUS

THE STATE OF GUJARAT

Respondent(s)

IA No. 129186/2025 - CONDONATION OF DELAY IN FILING

IA No. 129190/2025 - EXEMPTION FROM FILING O.T.

**IA No. 129184/2025 - PERMISSION TO FILE ADDITIONAL
DOCUMENTS/FACTS/ANNEXURES**

Date : 16-07-2025 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MANOJ MISRA

HON'BLE MR. JUSTICE UJJAL BHUYAN

For Appellant(s) :

Mr. Harin P. Raval, Sr. Adv.

Mr. Anando Mukherjee, AOR

Mr. Shwetank Singh, Adv.

Mr. Siddharth H. Raval, Adv.

Ms. Urmi H. Raval, Adv.

Ms. Shreya Bansal, Adv.

Ms. Shrestha Narayan, Adv.

For Respondent(s) :

**Mr. S V Raju, A.S.G.
Ms. Swati Ghildiyal, AOR
Ms. Neha Singh, Adv.
Mr. Hitarth Raja, Adv.**

**UPON hearing the counsel the Court made the
following**

O R D E R

- 1. Delay condoned.**
- 2. Leave granted.**
- 3. The appeal is allowed in terms of the Signed Order.**

**(RASHI GUPTA)
COURT MASTER (SH)**

**(SAPNA BANSAL)
COURT MASTER (NSH)**

(SIGNED ORDER IS PLACED ON THE FILE)