

GJGS030002742026



Received on : 04.08.2026

Registered on : 04.08.2026

Decided on : 13.08.2026

Duration : 09 – Days.

=====

**BEFORE THE HON'BLE 3<sup>rd</sup> ADDITIONAL SESSIONS JUDGE,**  
**AT UNA, DISTRICT GIR-SOMNATH,**

=====

**Criminal Misc. Application No. 170 of 2026**

**Exh.\_\_\_\_\_**

**Manishbhai Maganbhai Kanabar,**

Age:-52 years, Occupation :-ST Conductor,

Residing at:- Plot No. 22, Patel Society,

Beside Pataleshwar Temple, Una.

Ta.:- Una, District Gir-Somnath.

**....Applicant**

**Versus**

**The State of Gujarat**

**....Opponent**

=====

**Appearance:-**

Ld. Advocate Mr. D. S. Chudasama for the applicant.

Ld. A. P. P. Mr. M. K. Gohel for the opponent – State.

=====

**Subject:-Application under Section 483 of the**

**Bhartiya Nagarik Suraksha Sanhita, 2023 for regular bail.**

=====

**-:: J U D G M E N T ::-**

1. This bail application is filed u/s. 483 of the B.N.S.S., by the applicant / accused in connection with the offenses

punishable under Section – 7, 13(2) of Prevention of Corruption Act, registered at Gir-Somnath ACB Police Station vide Crime Register No.4 of 2026.

2. Ld. Advocate for the applicant / accused has, in addition to reiteration of the contents of the application, submitted that, the applicant / accused was arrested on 13-07-2026 and since then, he has been in the judicial custody. There is no *prima facie* case against the applicant / accused. He is innocent, but he has been falsely implicated in the alleged offence due to enmity. Applicant / accused is not having criminal antecedents registered against him. He is having clean history and he is dedicated to his duties. There is no cogent evidence against applicant / accused. He has neither demanded bribe nor has he accepted the same. He is the only male member in his family to earn livelihood.
3. Ld. Advocate for the applicant / accused has further submitted that, the applicant / accused is innocent. He has not committed any offence, but he has been falsely implicated in the alleged offence. He has not misused the liberty, nor will he misuse the same, if he is released on bail and therefore, at the end of his oral submission, Ld. Advocate has prayed to release him on bail.
4. Per contra, Ld. A. P. P. Mr. M. K. Gohel has, in addition to reiteration of the contents of affidavit Exh.5, submitted that the offense is very grave in nature. Applicant / accused is

working as a conductor in State Transport Corporation. Complainant is having monthly pass for transportation of fish, but the applicant / accused demanded Rs. 100/- per parcel from the complainant and thus, he demanded Rs. 2000/- and the applicant / accused was nabbed raid handed. Recording of demand has also been submitted to police. It has further been submitted that the applicant / accused has been raid handed arrested by ACB police. There is a strong evidence of demand. Corruption is a menace and if applicant / accused is enlarged on bail, it would send wrong message in the society and employees indulging themselves in such activities would be motivated. There is a strong *prima facie* case against the applicant / accused. Further, the investigation is going on and voice spectrography is yet to be conducted. At the end of his oral submissions, Ld. APP has prayed to reject present bail application.

5. Heard Ld. Advocate for the applicant / accused and Ld A. P. P. Mr. M. K. Gohel for the state at length. On perusal of case papers and affidavit of the Investigating Officer, it appears that the offence punishable under Section 7, 13(2) of Prevention of Corruption Act is registered with Gir-Somnath A.C.B. Police Station bearing Crime Register No.4/2026 against the present applicant / accused.
6. Looking to the entire police papers, it transpires that the applicant / accused is alleged to have demanded bribe of

Rs. Two Thousand only for transportation of fish, but since the complainant did not want to pay bribe, he approached ACB Police and trap was conducted by ACB and at that time, applicant / accused is alleged to have been nabbed raid handed with bribe money. Even the complainant submitted recording alleging demand of bribe. As per affidavit Exh. 5 filed by Investigating Officer, investigation is going on and voice spectrography is yet to be conducted.

- 7.** The investigation papers indicate *prima facie* involvement of the applicant herein. On perusal of the investigation papers, it is reflected that the applicant-accused was caught raid handed by the Trapping Officer and his team members subsequent to acceptance of the bribe from the complainant and the tainted currency notes were recovered from applicant / accused. Thus, considering the fact that present applicant-accused is working as Government servant i.e. a conductor in GSRTC and his duty is to render services to the people traveling in his bus, but, with an intention to take disadvantage and profiteer himself, he is alleged to have committed the offence by accepting the bribe amount. The alleged offence is grave in nature, more particularly, when the legislature has amended the provisions of the Act for effectively curbing the menace of corruption prevalent not only in Government Departments, but, also in the private organizations, by enhancing the punishments. White collar economic offences including illegal gratification cases are

increasing rampantly now-a-days and therefore, this Court is of the considered view that the present applicant does not deserve to be enlarged on regular bail. Argument advanced by Learned Advocate for the applicant / accused needs to be rejected looking to the reasons cited hereinabove. Moreover, as per the report of IO, investigation is still going and voice spectrography is yet to be conducted. The contentions of learned APP to the effect that if the applicant-accused is released on bail, he would tamper with the evidence and would not cooperate in the investigation, cannot be brushed aside. *Mens rea* is very important in such type of economic offences. In totality of the facts and circumstances, the reliance placed by the applicant on the judgments referred, does not come to his aid and no special and mitigating circumstances exist to warrant deviation from the settled principles against the grant of bail in serious corruption cases. In view of the facts and circumstances stated herein-above, there exists strong *prima facie* involvement of applicant-accused and considering the reasonable apprehension of tampering with the witnesses and *prima facie* satisfaction of this Court in support of the charge and impact of corruption on the society at large, in the opinion of this Court, discretionary powers are not required to be exercised in favour of present applicant-accused.

8. This Court has taken into consideration the ratios laid down by Hon'ble The Supreme Court as well as the Hon'ble High

Courts in the cases of (1) *Sanjay Chandra vs. C.B.I. reported in (2012) 1 SCC 40*, (2) *Arnesh Kumar Versus State Of Bihar reported in 2014 (8) SCC 273* and (3) *Satender Kumar Antil Versus Central Bureau Of Investigation*, but looking to the role attributed to the applicant / accused, gravity of offence and its societal impact, this Court is not inclined to grant bail to the present applicant / accused. Hence, the following final order is passed in the interest of justice.

**-: ORDER :-**

The bail application preferred by the applicant / accused is hereby **rejected**.

Yadi be sent to concerned police station.

Signed and pronounced today in Open Court on this the **13<sup>th</sup> day of August, 2026**.

Date : 13/08/2026  
Place: Una

( **Sunil Mahendrabhai Govani** ),  
3<sup>rd</sup> Additional Sessions Judge,  
Una, District Gir-Somnath.  
UID : GJ00918