

Cri.Misc.Appli.No.243/2026

Received on : 08/08/2026
Registered on : 08/08/2026
Decided on : 13/08/2025
Duration : 05/00/00
DD MM YY

**IN THE COURT OF THE 3rd ADDITIONAL DISTRICT &
SESSIONS JUDGE, AT DHRANGADHRA.**

CRIMINAL MISC. APPLICATION NO. 243 OF 2026

Champaben Dineshbhai Dumaniya

Age: 63 years, Occ.: Household

R/o. Sadla, Ta. Patdi-Dasada,

Dist. Surendranagar.

....Applicant

V/S.

Opponent :

The State of Gujarat.

....Opponent.

Appearance:

Mr. P.J.Chavda, Ld. Advocate for the Applicant.

Mr. V.H.Bhatt, Ld. A.G.P. for the Opponent - State.

Application For Regular Bail Under Section 483 Of BNSS, 2023

: JUDGMENT :

1. The applicant has filed the present bail application under Section 483 of BNSS, 2023 for enlarging her on bail in connection with the offence registered before Patdi Police Station Cr.No. 11211005260132/2026 for the offences

punishable under Section 109(1), 351(3), 352, 54 of the BNS and Section 135 of GP Act.

2. Heard the Ld. Advocate Mr. P.J.Chavda for the applicant accused and Ld. A.P.P. Mr. V.H.Bhatt for the state.
3. The Ld. Advocate for the applicant accused has submitted that the applicant is falsely implicated in the offence. If the applicant is not enlarged on bail, it is probability to face pre-trial punishment. The applicant is in judicial custody since 07/07/2026. Further, it is submitted that, the applicant accused does not know anything related to the incident and is not directly or indirectly involved in the offence. It is submitted that, the co-accused - Punamben was released on anticipatory bail by the Hon'ble High Court of Gujarat vide Cr.M.A.No. 27142/2026. Further, there is nothing on record which shows that, the injured is in danger or undergoing any treatment. Further, the investigation is completed and chargesheet has been filed. Therefore, the applicant prays to be released on bail.
4. The Ld. A.P.P., Mr. V.H.Bhatt has vehemently opposed to release the applicant on regular bail. It is submitted that the applicant along with the co-accused have committed a serious and heinous crime. The accused nos. 1 had quarreled with the mother of the complainant and accused nos. 2 to 3 came

along with dhoka and iron rod in their hands and started quarreling with the complainant, his mother and his sister-in-law and got provoked and the accused no. 3 had inflicted dhoka blows over the head of the complainant, accused no. 2 inflicted dhoka blows on the leg of the complainant due to which the complainant fell down at that time, the accused no. 4 inflicted iron rod blow over the head of the complainant due to which the blood started oozing out and at that time as the mother and sister-in-law of the complainant intervened, the accused had inflicted dhoka and iron rod blows to them and caused fracture injuries over the head of the complainant and hamorage to the witnesses and committed the offence. Therefore the present application of the applicants accused shall be rejected.

5. Having regards to the contentions by the rival parties, it is pertinent to note that, the applicant accused is in judicial custody since 07/07/2026. The applicant is the permanent residence of Surendranagar District and there is no likelihood to flee from justice. Further, looking to the FIR, there is name of applicant accused as accused no. 3. Furthermore, looking to the affidavit of the IO at Exh. 8, it is clear that, accused no. 3 had inflicted dhoka blows over the head of the complainant and caused grievous injuries to the complainant and helped each other in committing the offence. Further, it appears that,

the Hon'ble High Court of Gujarat has allowed the anticipatory bail application of the co-accused no. 1 vide Cr.M.A.No. 27142/2026. Moreover, the investigation is completed and chargesheet has been filed and Criminal Case No. 1010/2026 is pending. Further, there is nothing on record which shows that, the injured is still undergoing treatment. Therefore, looking to the facts and circumstances of the case and considering the nature of offence, punishment thereof and role attributed to the applicant accused and also considering the guidelines of Hon'ble Supreme Court and Hon'ble High Court, there are sufficient reasons to exercise the discretion according to Section 483 of BNSS, 2023 against the applicant accused and in the circumstances, the present application deserves to be allowed. Hence, the following order is passed.

ORDER

1. The present application is hereby **allowed**. The applicant - **Champaben Dineshbhai Dumaniya** is hereby ordered to be released on bail in connection with the offences registered vide **C.R.No. 11211005260132/2026** with Patdi Police Station for the offences punishable under Sections 109(1), 351(3), 352, 54 of the BNS and Section 135 of GP Act, on furnishing surety of **Rs.25,000/- (Rupees Twenty Five Thousand Only)**

along with a personal bond of like amount with the concerned authority upon following conditions:-

- He shall remain present before the Trial Court regularly as and when, called for on the dates fixed.
- He shall not involve themselves in similar type of another offence.
- At the time of execution of bond, he shall furnish his address to the Courts concerned, and if he change his resident, then he shall disclosed his new residence before the Court within the 15 days.
- He shall not leave Gujarat without the permission of the Court and if, having Passport, he shall deposit the same before the trial Court within a week.
- He shall not threaten the complainant and shall not tamper with any evidences.
- Bail bond, be furnished before the concerned Court and yaadi be sent accordingly.

Pronounced in the open court on 13th day of August, 2026 under my hand seal.

Date :13/08/2026
Place: Dhrangadhra

(Mukeshkumar Pratapbhai Chaudhari)
3rd Additional District & Sessions Judge,
Dhrangadhra.
(GJ00653)