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**IN THE COURT OF PRINCIPAL DISTRICT & SESSIONS
JUDGE, AHMEDABAD (RURAL)**

CRIMINAL MISC. APPLICATION NO. 668 OF 2026

Exh.

APPLICANT/ACCUSED:

Jhilubha Chelubha Solanki
Age: 21 years,
Residing at : Jadibanagar, Vasna,
District : Ahmedabad.
(At present in Central Jail, Ahmedabad).

OPPONENT :

The State of Gujarat

Sub:Application under Section 483 of The Bhartiya Nagrik Suraksha Sanhita, 2023 seeking regular bail after chargesheet.

Appearance:

Mr.R.R.Shah, Learned Advocate for Applicant/accused.

Mr.B.N.Limbachia, Learned Spl. P.P. for Opponent/The State.

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

1. The present application is preferred by the applicant u/s.483 of The Bhartiya Nagrik Suraksha Sanhita, 2023 (hereinafter referred as 'BNSS') in connection offence registered vide Part – A C.R. No.11191066250194/2025 with Vasna Police Station, Ahmedabad for the offence punishable u/s. 109(1),

118(1), 118(2), 115(2), 296(b), 54 of The Bharatiya Nyaya Sanhita, 2023, Section 135(1) of The Gujarat Police Act, Section 3(1)(2), 3(2), 3(4) of The Gujarat Control of Terrorism and Organized Crime Act (hereinafter referred as 'GujCTOC Act') seeking regular bail after chargesheet.

2. Ld. Advocate Mr.R.R.Shah appearing on behalf of the applicant/accused submits that, the applicant is innocent and has not committed any offence as alleged by the prosecution. It is stated that the investigation is completed and chargesheet is filed. It is stated that against the applicant – accused two offences are shown which are registered with the same Vasna Police Station. Both the offences pertain to dispute pertaining to private nature arisen out of instance to the effect that complainant and witness had gone for having dinner at late night hotel and the present applicant – accused along with other co-accused persons had also arrived for dinner and there a scuffle took place for getting the table and keeping this grudge, the accused persons had assaulted the complainant and witnesses near Hanumanji Temple opposite to G.B.Shah College. Mere registration of two offences would not be sufficient to invoke continuing unlawful activity as held in case of “*Mohd. Ilyas Mohd. Bilal Kapadiya Vs. State of Gujarat*” Supreme Court (2022). The entire chargesheet case papers do not reveal as to whether there is any credible material disclosing membership of organized crime syndicate to attract Section 2(c), 2(f), and 2(k) of the Act. The rigors of Section 20(4)(b) of the GujCTOC Act do not get attracted as there is total absence of membership of organized crime syndicate and two offences against the applicant were part

of continuous unlawful activity committed as an organized crime syndicate. It is stated that the offence of GujCTOC is improperly invoked so far as the case of applicant is concerned. It is stated that one of the co-accused namely Shankarbhai S/o. Raymalji Rataji Thakor against whom GujCTOC is not invoked but is facing same FIR is enlarged on bail by this Hon'ble Court vide order dated 03/02/2026 in CRMA No.233/2026. The earlier bail application of application before filing of chargesheet was rejected by this Hon'ble Court vide order dated 03/12/2025 in CRMA No.3749/2025 as the investigation was going on. Now the investigation is completed and nothing further has been revealed with regard to membership of the applicant – accused in organized crime syndicate.

2.1 It is stated the applicant is aged 21 years. Keeping the applicant behind bars would amount to pre-trial punishment, more particularly, when the chargesheet has been filed and he also requires reformative treatment instead of keeping him behind the bar. Applicant will not indulge in any manner in any kind of offence in future. It is submitted that the applicant will abide by any stringent conditions that may be imposed upon while exercising discretion in his favour. It is accordingly urged to allow the present application.

3. Ld. Special Public Prosecutor Mr.B.N.Limbachia appearing on behalf of the Opponent - State opposed the grant of bail to the present applicant. He submits that the applicant is charged for the offence under Section 109(1), 118(1), 118(2), 115(2), 296(b), 54 of The BNS, 2023, Section 135(1) of The

Gujarat Police Act, Section 3(1)(2), 3(2), 3(4) of The GujCTOC Act. He submits that as per the prosecution case, applicant in connivance with main accused – Pavansinh Velubha Solanki has indulged in committing offence pertaining to causing grievous injury and attempt to murder. In the present case, the accused persons on minor issue pertaining to get table for having dinner at late night hotel has assaulted the complainant on head and injured witness Devarshbhai on neck by co-accused – Pavansinh Solanki. The accused persons as part of organized crime syndicate for illegal gain has created terror in the society and thereby, continued their illegal activity. Against the applicant two offences are registered and chargesheet has been filed in both the cases. Ld. Special Public Prosecutor has placed reliance on the affidavit filed by the I.O. vide Exh.5 and the grounds stated therein and has urged to reject the application.

4. Heard the learned Advocates for the respective parties. The Court has gone through the bail application, documents annexed with it, affidavit of the I.O. (Exh.5), judgments relied on and case papers. It is clarified that the observations made by this Court are prima facie and tentative in nature and is confined for deciding this bail application and it will have no relevance during the trial. Following factors are taken into consideration while deciding this bail application:-

i) The applicant is charged for the offence under Section Section 109(1), 118(1), 118(2), 115(2), 296(b), 54 of The BNS, 2023, Section 135(1) of The Gujarat Police Act, Section 3(1)(2), 3(2), 3(4) of The GujCTOC Act.

ii) As per the prosecution case, it is stated that on 07/09/2025 around 12:45 hours, the applicant-accused Jilubha Solanki and co-accused - Shankar, driven by a previous dispute, initiated an assault near the Hanumanji Temple situated opposite G.B.Shah College, subjecting the complainant and witness Devarsbhai to obscene abuse and physical beating (kicks and fists). The situation escalated when the applicant's brother Pavansinh Solanki arrived and joined the attack, leading to applicant - accused Jilubha Solanki allegedly stabbing the complainant on the forehead with a knife, while Pavansinh inflicted a life - threatening wound on the witness Devarsbhai's neck with a knife, after which all accused persons fled the spot, having committed the offence by aiding each other.

iii) The Court has taken note of the fact that earlier regular bail application of the applicant – accused before chargesheet was rejected by this Court vide order dated 03/12/2025 recorded below Criminal Misc. Application No. 3749/2025. The applicant is stated to have withdrawn regular bail application before the Hon'ble High Court of Gujarat vide order dated 15/12/2025 recorded below R/Criminal Misc. Application (For Regular Bail – Before Chargesheet) No.26416 of 2025. Following changed circumstances are taken into consideration which has taken place as subsequent development after filing of chargesheet.

iv) As per the case papers, the role of the present applicant is to the effect that on the day of Ganpati Visarjan, applicant – accused and co-accused – Shankarbhai Thakor were having food in late night hotel and at that time complainant – Dhirendrabhai

and witness – Devarshbhai had asked for the table to sit along with them due to which a verbal scuffle took place between them. It is stated that thereafter, when the complainant and witness were passing near from G.B.Shah College, applicant – accused – Jhilubha and co-accused – Shankarbhai Thakor were present there and they had stopped complainant and witness and started abusing them. On asking not to utter abuses both the accused got instigated and started giving kick and fist blow and during that time co-accused – Pavansinh Solanki who was passing from the place of incident had also joined accused persons. It is stated that at that time applicant – accused – Jhilubha Chelubha Solanki took out knife and inflicted knife blow on the forehead of complainant, whereas, co-accused – Pavansinh Solanki had inflicted knife blow on the neck of witness Devarshbhai and thereafter, all three accused persons escaped from the place of incident.

v) The injured witness are stated to be discharged from the hospital. The applicant came to be arrested on 10/11/2025 and thereafter, he was remanded to Police custody. On completion of remand period the applicant was sent to judicial custody.

vi) In the present FIR there are three accused persons namely (1) Jhilubha alias Jhil S/o Chelubha Babusinh Solanki (Darbar), (2) Pavansinh S/o Velubha Solanki (Darbar) and (3) Shankarbhai S/o Raymalji Rataji Thakor. Offence of GujCTOC came to be invoked against Accused No.1 - Jhilubha alias Jhil S/o Chelubha Babusinh Solanki (Darbar) and Accused No.2 - Pavansinh S/o Velubha Solanki (Darbar), whereas, against Accused No.3 -

Shankarbhai S/o Raymalji Rataji Thakor GujCTOC offence was not invoked. The regular bail application of the said Accused No.3 is considered by this Court and he is granted regular bail vide order dated 03/02/2026 recorded below CRMA No.233/2026. So far as the case of present applicant is concerned, as per the prosecution case GujCTOC offence is invoked against him on the basis that except the present FIR there are two other offences filed against him i.e. Vasna Police Station C.R.No.11191066240031/2024 for the offence under Section 307, 325, 323, 294(b), 427, 114 of The IPC and Section 135(1) of The Gujarat Police Act and Vasna Police Station C.R.No.11191066240434/2024 for the offence under Section 296, 351(3), 54 of The BNS. Out of approximately seven offences registered against main / co-accused - Pavansinh S/o Velubha Solanki (Darbar), applicant – accused is alleged to have committed three offences in collusion with co-accused - Pavansinh S/o Velubha Solanki (Darbar) as a part of organized crime syndicate.

vii) The Court has also considered the say of the prosecution with regard to invocation of GujCTOC offence on the ground that the accused persons have formed organized crime syndicate in area of Vasna, Sola High Court, Bodakdev, Ellis Bridge Police Station and present applicant–accused and co-accused are indulged in offence pertaining to body, grievous hurt, threat etc. and thereby, have become a threat to the society and unity of the nation, state and local people. So far as the role qua the present applicant is concerned, prima facie his involvement seems to be on the basis that in two FIRs his name is in the FIR wherein, the

main accused – Pavansinh Solanki is also shown as accused. The role of the present applicant as compared with the role of said main co-accused who is running organized crime syndicate stands on different footing after considering all the FIRs registered against the applicant. All the FIRs against the applicant would prima facie reveal that the dispute in respective FIRs has taken all of a sudden and quarrel between respective parties and in these circumstances whether the applicant is involved in offence under GujCTOC or not would required to be considered after evidence during the course of trial. Having considered all the three FIRs qua the present applicant rigors as contained under Section 20(4) of the GujCTOC Act would not prima facie apply so far as the specific case of the applicant-accused is concerned.

viii) The apprehension raised by the applicant that if the applicant is enlarged on bail, there is possibility of repetition of offence, the applicant will not remain present before the Court during trial, if the applicant – accused is released on bail then there is possibility that he may tamper with the evidence and cause damage to the investigation by influencing and/or coercing the complainant and witnesses of the case to settle the dispute, can be set at rest by imposing suitable stringent conditions upon the applicant – accused.

5. In view of the facts and circumstances noted above and considering principles laid down by Hon'ble Apex Court in the case of **Sanjay Chandra vs CBI, (2012) 1 SCC 40**, and in the case of **Satender Kumar Antil vs CBI and another, (2022) 10 SCC 51** this Court deems it fit to exercise discretion in favour of the

applicant by imposing stringent conditions and accordingly, following order is passed in the interest of justice.

-: ORDER :-

1. The regular bail application of applicant - accused is **allowed**.
2. Applicant / accused – **Jhilubha Chelubha Solanki** is hereby ordered to be enlarged on regular bail in connection with offence being Part – A C.R. No.11191066250194/2025 registered with Vasna Police Station, Ahmedabad for the offence punishable u/s. 109(1), 118(1), 118(2), 115(2), 296(b), 54 of The Bharatiya Nyaya Sanhita, 2023, Section 135(1) of The Gujarat Police Act, Section 3(1)(2), 3(2), 3(4) of The Gujarat Control of Terrorism and Organized Crime Act, on furnishing personal bond of **Rs.10,000/- (Ten Thousand Rupees only)** and surety of like amount before this court on following conditions:
 - (a) Applicant/accused shall mark his presence before the concerned Police Station on **10th** and **25th** day of every month for a period of **six months** between 11.00 a.m. to 5.00 p.m;
 - (b) Applicant/accused shall not enter within revenue limits of Ahmedabad city except for marking his presence and for attending Court proceedings till **six months**;
 - (c) Applicant/accused shall not leave India without prior permission of the Court;
 - (d) Applicant/accused shall not involve in identical or any other offence in future;
 - (e) Applicant/accused shall not tamper with the evidence or influence the witnesses;
 - (f) Applicant/accused shall furnish his present and permanent correct address and contact numbers to the court at the time of executing bail bond and shall

also furnish the same to the Investigating Officer and shall not change the same without prior permission of the Court;

- (g) Applicant/accused shall make himself available for interrogation by Investigation Officer as and whenever required;
- (h) Applicant/accused shall remain present before the Court regularly as and when required;
- (i) Applicant/accused shall also surrender his passport, if any, else shall make necessary affidavit;
- (j) Applicant/accused shall not take undue advantage of liberty or misuse liberty.

3. Bail Bond to be executed before this Court and yadi be send accordingly.
4. Copy of this order be sent to the concerned police station and Jail Authority.

Pronounced and signed in the open court today.

Date :16/03/2026
Place:Ahmedabad

(Kamal M. Sojitra)
Principal District & Sessions Judge &
Designated Special Judge (GujCTOC)
Ahmedabad (Rural)
U.I.Code No.GJ01494