

Registered on	05.03.2026
Decided on	12.03.2026
Duration	<u>Y</u> <u>M</u> <u>D</u> 0 0 7

**IN THE COURT OF 6TH ADDITIONAL SESSIONS JUDGE
AHMEDABAD [RURAL] @ VIRAMGAM.**

**Criminal Misc. Application No.81 OF 2026
Exh. _____**

Applicant :

Aveshbhai Noormohammad Shaikh

Aged : 33 years, Occup.: Business,

R/o. : Taiwada, Tal.: Viramgam,

Dist.: Ahmedabad

(At present in Central Jail, Sabarmati)

Vs.

Opponent :

The State of Gujarat

Appearance:-

Mr. K. D. Chavda, learned Advocate for the applicant.

Mr. H. R. Solanki, learned APP for the Opponent – State.

Application for Regular bail Under Sec. 483 of The Bhartiya

Nagarik Suraksha Sanhita.

J U D G M E N T

1. The present application is preferred for regular bail under Section Sec. 483 of The Bhartiya Nagarik Suraksha Sanhita for the offences punishable under Section 11(1)(d)(e)(f) of The Prevention of Cruelty to Animals Act, 1960 and

Sec.6A(1), 6A(3), 8(4), 8(3), 5(1) and 10 The Gujarat Animal Preservation Act, 1954 in the crime registered vide C.R. No.11192061260136/2026 with Viramgam Town Police Station.

2. Heard the Learned Advocate for the applicant/accused. He has argued that applicant is innocent and falsely implicated in the offence. It is submitted that false complaint has been filed against him. It is submitted that the name of the applicant is not mentioned in FIR. It is submitted that the vehicle which is used in offence is not registered in the name of applicant. Therefore, the sections mentioned in the FIR are not attracted for the present applicant. Further, the muddamal which is recovered by the police, does not belong to the present applicant. Therefore, no prima facie case is made out against the applicant. Further, the investigation is pending, thus, if the applicant is not released on bail, he would suffer pre-trial conviction. Further, the applicant is the only earning member of his family. He further argued that applicant is ready to abide the conditions which may impose by the Hon'ble Court. Hence, he request to release them on bail.

3. Heard the Learned APP Mr.H. R. Solanki for the State. He has opposed this application and argued that the applicant/accused have been involved in the serious offence punishable under Sec.11(1)(d)(e)(f) of The Prevention of Cruelty to Animals Act, 1960 and Sec.6A(1), 6A(3), 8(4), 8(3), 5(1) and

10 The Gujarat Animal Preservation Act, 1954. It is submitted that the present applicant along with co-accused has transported a calf in his car. There is prima facie involvement of the applicant in the offence. The accused played active role in the offence. The offence is serious in nature. Further, the investigation is pending, thus, if the applicant is released on bail, he might tamper the evidences which would affect the investigation. Therefore, he prayed to reject the present application.

4. Heard the Ld. advocates for both the side and perused the record. From the record, it transpires that investigation is practically over against the present applicant. No recovery or discovery is pending from the applicant. Further, looking to the facts and circumstances of the case, provision and penal section under which the present applicant is under custody, it would be appropriate to exercise discretion with stringent conditions in favour of the applicant. Hence, following order is passed in the interest of justice.

∴ ORDER ∴

- (1) The present application is hereby allowed.
- (2) The present applicant **Aveshbhai Noormohammad Shaikh** is ordered to be released on regular bail under Sec.483 of The Bhartiya Nagarik Suraksha Sanhita in connection with offence punishable under Section 11(1)(d)(e)(f) of The

Prevention of Cruelty to Animals Act, 1960 and Sec.6A(1), 6A(3), 8(4), 8(3), 5(1) and 10 The Gujarat Animal Preservation Act, 1954 in the crime registered vide C.R. No.11192061260136/2026 with Viramgam Town Police Station on executing bond of Rs.90,000/- (Rupees Ninety Thousand only) with one surety of like amount to each on the following terms and conditions that he shall:-

- (i) The Applicant/accused shall remain present before the I.O. on every 15th day of each month till filing of the charge sheet and thereafter he shall remain present before the concern Court regularly as and when called for to remain present.
- (ii) The Applicant/accused shall not tamper with the evidence nor pressurize the witnesses of, the prosecution.
- (iii) The Applicant/accused shall not involve in any type of another offence.
- (iv) The Applicant/accused shall furnish his address and mobile number of the applicant and surety before the concern Court concerned at the time of execution of bond, and should not change the residence or mobile number without prior permission of the court.
- (v) The Applicant/accused shall deposit his passport if having and shall deposit the same before the concern Court within a week.
- (vi) The applicant/accused shall not leave territory of Gujarat without prior permission of trial Court.

(vii) The surety of the applicant/accused shall have to produce his two photographs at the time of executing the Surety Bond, and these photographs shall not be more than six months' old.

Bail is to be given before the concerned Court where judicial proceeding is pending.

Yadi be sent to the I.O., Ld. Trial Court as well as the Jailer concerned for onward communication to applicant/accused under intimation to this court.

In case of breach of any of the above conditions is committed, the concerned Trial Court will be free to issue warrant or take appropriate action in the matter. It will be open for the concerned trial court to delete, modify and/or relax any of the above conditions, in accordance with law.

Signed and pronounced in the open Court on 12th day of March, 2026.

Date : 12/03/2026
Place : Viramgam.

[H. A. Upadhyay]
6th Additional Sessions Judge,
Ahmedabad [Rural] at Viramgam.
[UIC No. GJ00635]