

Registered on	06.03.2026
Decided on	12.03.2026
Duration	<u>Y</u> <u>M</u> <u>D</u> 0 0 6

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

Criminal Misc. Application No.83 OF 2026
Exh. _____

Applicant :

Vishnubhai Melabhai Thakor

Aged : 33 years, Occup.: Private Job,
R/o. : Golvadiya Vas, Tal.: Viramgam,
Dist.: Ahmedabad
(At present in Central Jail, Sabarmati)

Vs.

Opponents :

(1) The State of Gujarat

(2) Sagarbhai Jasvantbhai Panara

Appearance:-

Mr. A. M. Solanki, 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 109(1), 118(1),

351(2), 352, 54 of BNS in the crime registered vide C.R. No.11192061260124/2026 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 complainant has filed false complaint. It is submitted that in the FIR, the role of the applicant is mentioned that applicant has abused the complainant. The applicant has not injured any person. Further, the applicant was not found with any weapon. Further, the applicant has not acted as mentioned in FIR. Further, the applicant is victim in the present offence. There is no prima facie case 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. 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 applicants/accused have been involved in the serious offence punishable under Sec.109(1), 118(1), 351(2), 352, 54 of BNS. Further, the name of the applicant is mentioned in the FIR. There is prima facie involvement of the applicant in the offence. In the FIR, it is mentioned that applicant has abused the

complainant and beaten him. The applicant has helped the main accused in commission of offence. Therefore, he has 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 or witnesses which would affect the investigation. Therefore, he prayed to reject the present application.

4. Notice served to the original complainant. He appeared before this court and filed his objection. He has submitted that on 30.01.2026, complainant got a message on his whats app regarding his wife. On inquire about the message, his wife has stated that their neighbour Rahulbhai has threatened her. Therefore, the complainant has asked to the accused Rahulbhai about those messages. At that time, the Rahul was suddenly provoked and inflicted knife blows near the elbow of the complainant. He also threatened to death to the wife of the complainant and inflicted deadly knife blow on the back of the wife of complainant. The present applicant has supported the main accused and abused the complainant and beaten him. Further, the investigation is yet pending, thus, if the applicant is released on bail, he might tampered the evidences which would affect the investigation. If, the applicant is released on bail, he might threatened him. Therefore, he prayed to reject the present application.

5. Considered the provision of law, arguments from the respective parties and legal directive principles settled by the Hon'ble Supreme Court and Hon'ble Gujarat High Court and also considered the following points;

- a) The applicants are charged for the offence under Section 109(1), 118(1), 351(2), 352, 54 of BNS.
- b) The name of the applicant is mentioned in FIR and specific allegations against applicant is also mentioned in the FIR.
- c) Looking to the affidavit of IO, it reflects that the present applicant has supported the main accused and abused the complainant and beaten him.
- d) Looking to the affidavit of IO, investigation is at crucial stage. There is prima-facie case against the applicants.
- e) As per the affidavit of IO, the applicant and complainant/victim are residing at Viramgam. Thus, if he released on bail, he might breach the peace.
- f) Looking to the conduct of the applicant and affidavit of I.O., if, the applicant is released on bail, he might flee away or there is very high probability that evidence/witnesses may be tampered which affect the investigation.

In view of the above facts and circumstances of the present case, prima facie case made out against the applicant. Further, looking to the police papers, role attributed by the applicant, objections filed by the complainant and gravity of the offence, I am of the view that the present applicant is not entitled to get regular bail and therefore, this court does not

want to exercise discretion in favour of the applicant. Hence, following order is passed in the interest of justice.

ORDER

This application U/s.483 of BNSS filed by the applicant **Vishnubhai Melabhai Thakor** for regular bail is hereby **rejected**.

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]