

Registered on	12.03.2026
Decided on	13.03.2026
Duration	<u>Y</u> <u>M</u> <u>D</u> 0 0 1

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

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**Criminal Misc. Application No.89 OF 2026  
Exh. \_\_\_\_\_**

**Applicants :**

**(1) Namoribhai Valibhai Sama**

Aged : 45 years, Occup.: Labour,

**(2) Akbarbhai Valibhai Shama**

Aged : 54 years, Occup.: Labour,  
Both R/o. : Musalman Vas, Shahpur,  
Tal.: Viramgam, Dist.: Ahmedabad  
(Both at present in Central Jail, Sabarmati)

**Vs.**

**Opponents :**

**(1) The State of Gujarat**

**(2) Akhtarhussain Aalambhai Kaliya**

**Appearance:-**

Mr. A. R. Desai, learned Advocate for the applicant.

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

Mr. K. D. Chavda, learned advocate for the complainant.

**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 118(2), 115(2), 352, 351(2), 54 of BNS and Sec.135 of G. P. Act in the crime registered vide C.R. No.11192007260025/2026 with Nal Sarovar Police Station.
  
2. Heard the Learned Advocate for the applicants/accused. He has argued that applicants are innocent and falsely implicated in the offence. It is submitted that complainant has filed false complaint. It is submitted that applicants have not beaten the complainant with any deadly weapon. Further, due to animosity, complainant has filed false complaint against the accused. Further, the applicants had not acted as mentioned in FIR. There is no prima facie case is made out against the applicants. Further, the victims are discharged from the hospital. Further, the investigation is pending, thus, if the applicants are not released on bail, they would suffer pre-trial conviction. He further argued that applicants are 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.118(2), 115(2), 352, 351(2), 54 of BNS and Sec.135 of G. P. Act. 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 complainant had parked his car on common road before his house. The accused no.3 has told him to move his car, thus, the complainant has answered him that go to his home take keys and move the car. Therefore, the accused no.3 suddenly provoked and quarreled with the complainant. Accused no.1 came in support of the accused no.3. Accused No.2 came with a iron pipe and inflicted on the head and on left hand. The present applicant has inflicted kick and fist blow to the complainant and used abusive language to the father of the complainant. Further, the accused no.6 has inflicted edge blow on the head of father of complainant and he sustained serious injuries. Therefore, he 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 through his advocate and filed his no objection. He has submitted that he has no objections if the applicant is released on regular bail. Therefore, he prayed to allow the present application.

5. 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. The injured have been discharged and is not in any danger. Further, the complainant has filed his no objection if the applicant is released on bail. Further, looking to the 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 applicants **(1) Namoribhai Valibhai Sama** **(2) Akbarbhai Valibhai Shama** are ordered to be released on regular bail under Sec.483 of The Bhartiya Nagarik Suraksha Sanhita in connection with offence punishable under Section 118(2), 115(2), 352, 351(2), 54 of BNS and Sec.135 of G. P. Act in the crime registered vide C.R. No.11192007260025/2026 with Nal Sarovar Police Station on executing bond of Rs.90,000/- (Rupees Ninety Thousand only) with one surety of like amount on the following terms and conditions that they 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 this Court.

(vii) The surety of the applicants/accused shall have to produce their 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 13<sup>th</sup> day of March, 2026.

**Date : 13/03/2026**  
Place : Viramgam.

**[ H. A. Upadhyay ]**  
6<sup>th</sup> Additional Sessions Judge,  
Ahmedabad [Rural] at Viramgam.  
[UIC No. GJ00635]