



**IN THE COURT OF HON'BLE ADDITIONAL DISTRICT &
SESSIONS JUDGE, AHMEDBAD [RURAL] AT DHOLKA.**

Criminal Miscellaneous Application No.71 of 2026

Exh._____

Applicant/ : **Vipulbhai Jashubhai Vaghari(Devipujak)**
accused Age:19 years, Occup:Labour work,
R/o Ingoli village, Taluka-Dholka, District-
Ahmedabad.
(At present in judicial custody)

V E R S U S

Opponents : **The State of Gujarat**
[Notice to be served through the office
of the Public Prosecutor, District Court
Dholka, Ahmedabad]

**Subject: An Application for Regular Bail under the provisions of
Section 483 of the B.N.S.S, 2023.**

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Appearances:-

Learned Advocate Mr. M.A. Bhagat for the Applicant.

Learned Public Prosecutor Mr. J.C. Patel for the Opponent-State.

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:-ORDER:-

1. The applicant/accused has preferred the present application for regular bail under the provisions of section 483 of B.N.S.S., 2023 in connection with FIR being **C. R. No.11192064260075/2026** registered with **Dholka Rural** Police Station for the offences punishable U/s **303(2), 325, 298 & 54** of the Bharatiya Nyay Sanhita, 2023 and Section 5, 6, 6(a)(1), 8 & 10 of the Gujarat Animal Preservation Act, 2017 as well as

Section 11(d) & (l) of the Prevention of Cruelty to Animals Act, 1960.

2. On service of notice, the Ld. Public Prosecutor for the State Mr. J.C. Patel appeared before the Court and filed affidavit of the Investigating Officer at Exh.5, wherein, the Investigating Officer has submitted the at length facts of the offence and role attributed to the present applicant/accused in the commission of offence and further contended that between 09.02.2026 at 19:00 hours to 10.02.2026 at 07:00 hours at any time, the applicant/accused alongwith other co-accused persons have stolen the two cows worth of Rs.45,000/- from the fence(Vada) of the complainant situated near Lalsha Shahid Dargah, Pisawada village and on Pisawada-Ingoli Road, Nr. Viradi Crossing, both cows were slaughtered with cruelty and sold the beef and some part of skin was left over the place of occurrence and thereby, the applicant has committed very serious offence by breaching the public sentiment at large and lastly prayed to reject the application.
3. Heard the Ld. Advocate for the applicants-accused and Ld. Public Prosecutor for the State on the facts and provisions of law.
4. The Ld. advocate for the applicant has submitted at length facts of the alleged offence and vehemently argued that the present applicant is innocent and he has not committed any offence as alleged in the FIR. It is further argued that there is no direct or indirect or cogent evidence connecting the applicant with the alleged offence. There is no recovery has been made from the possession of the applicant but complainant has falsely

implicated the applicant in the alleged offence. It is further submitted that there is no criminal antecedents and he has not be involved in any other criminal case. It is further submitted that most of the investigation has already been completed and the applicant is in jail since 23.02.2026 therefore, there is no requirement of applicant to keep in judicial custody for further investigation. It is further submitted that almost investigation in the present matter has been completed and there is no recovery or discovery is pending and the applicant is ready to give his cooperation as and when required therefore, there is no need of the applicant to keep him in judicial custody. The Ld. Advocate for the applicant has placed heavily reliance upon the judgments of the Hon'ble Apex Court and the Hon'ble High Courts and further argued on the ground of principle of bail is rule and jail is an exception and further argued that the applicant is in judicial custody since 23.02.2026 and if the present applicant may not be enlarged on bail, it would amount to pre-trial conviction. It is further argued that the applicant is law abiding citizen of India and residing with his family at the above address mentioned in the cause title and therefore, he is not likely to flee away from justice or tamper/hamper with the prosecution witnesses and evidences. It is further argued that the applicant is ready and willing to abide by all the terms and conditions in the event of he is being enlarged on regular bail and with the above submissions, the Ld. Advocate for the applicants has prayed to allow the present application.

5. *Per-contra*, the Ld. Public Prosecutor for the State has strongly objected the present application and reiterated the facts of the

affidavit filed by the I.O. vide Exh.5 and further stated at length facts of the said offence and vehemently argued that the present applicant/accused alongwith other co-accused persons in abetment of each other, has committed very serious offence which is directly involved the public sentiment at large. It is further submitted that the applicant/accused is involved in selling of illegal act of slaughtering without having any licence. It is further submitted that as per the inspection of place of occurrence, the expert has proved that the evidences left over the place of occurrence was belonging to cow and the sufficient prima-facie evidence is available on record connecting the applicant/accused with the commission of the serious offence. It is further submitted that the investigation of the present case is going on and therefore, if the applicant-accused may be enlarged on bail, he is likely to tamper or hamper with the prosecution witness and evidences and there is every possibility to flee away from the justice and therefore, considering the seriousness and gravity of offence, the present application is required to be rejected as to set an example for the society.

6. I have gone through the application, affidavit filed by the I.O. and arguments advanced by the rival parties. It prima-facie appears from the record that the FIR is registered against the present applicant/accused for the offences punishable **U/s 303(2), 325, 298 & 54** of the Bharatiya Nyay Sanhita, 2023 and Section 5, 6, 6(a)(1), 8 & 10 of the Gujarat Animal Preservation Act, 2017 as well as Section 11(d) & (l) of the Prevention of Cruelty to Animals Act, 1960 and the allegations levelled against the present applicant/accused are very serious in nature

and this fact is required to be considered.

7. Now, before deciding the present application, it is required to be referred the guidelines issued by the Hon'ble Apex Court in the case of **Prahladsinh Bhati vs. NTC Delhi reported in 2001 SC Page-1444**, as under;

“While granting bail, Court has to keep in mind (a) nature of accusation, (b) nature of evidence in support, (c) severity of punishment if conviction will entail, (3) character, behaviour means standing of the accused, (e) circumstances which are peculiar to the case, (f) reasonable possibility of securing presence of the accused at the trial, (g) reasonable apprehension of the witness being tampered with, (h) larger interest of the public or State and similar other considerations.

8. It has to be also kept in mind that for the purposes of granting bail, Legislative has used the word “reasonable” means for believing instead of evidence which means Court while dealing with the application for the grant of bail should only satisfy itself as to whether there is genuine and prima-facie case against the accused and that the prosecution will be able to produce prima-facie evidence in support of the charge. It is not expected at this stage to have the evidence establishing the guilt of the accused beyond reasonable doubt.
9. It is also necessary for the court granting bail to consider among the other circumstances, the following facts also before granting bail; they are:
 - (a) *The nature of accusation and the severity of punishment in case of conviction and the nature of supporting evidence.*
 - (b) *Reasonable apprehension of tampering with the witness or apprehension of threat to the complaint.*
 - (c) *Prima-facie satisfaction of the court in support of the charge.*

10. The Court is required to see whether there is prima-facie involvement of the accused in the commission of offence or not. As aforesaid principles laid down by the Hon'ble Apex Court in the case of *Prahladsinh (supra)* as well as considering the facts & circumstances of the subject matter, it prima-facie appears that appears from the record that the present applicant/accused is involved in the alleged offence and in such kind of serious offence, if the present applicant-accused may be enlarged on bail, it will send wrong message to the society. The Ld. advocate for the applicant/accused has relied upon the judgments of the Hon'ble Apex Court and the Hon'ble High Courts and argued that the applicant/accused is in judicial custody since long time and therefore, applicant is entitled for bail but the arguments advanced by the Ld. advocate for the applicant/accused is not applicable at present because the investigation is going on and there is prima-facie involvement of the present applicant/accused in the alleged offence. Moreover, considering the role attributed to the present applicant/accused in the alleged offence, prima-facie case is made out against the applicant/accused. In the present case, it prima-facie appears from the affidavit of I.O. that the Investigation of the present offence is at crucial stage and there is a reasonable apprehension that if the applicant/accused be released on bail, the applicant may tamper/hamper with the prosecution evidence or influence witnesses and this fact is also required to be considered. Therefore, considering the seriousness and gravity of offence and pending the investigation, this is not a fit case to exercise the Judicial

Discretion in favour of the present applicant/accused. Hence, in the interest of justice, following order is passed.

-:-O R D E R:-

- The present **Criminal Misc. Application No.71 of 2026**, for regular bail is hereby **rejected**.

Signed & Pronounced in the open Court on this 23 day of March, 2026.

Date :23/03/2026.
Place:Ahmedabad.
P.D.Mishra

[Naresh Girikant Dave]
Additional District & Sessions Judge,
Ahmedabad(Rural) at Dholka,
(UIC No.GJ00467.)