



GJBH010006062026

IN THE COURT OF 2nd ADDITIONAL DISTRICT AND
SESSIONS JUDGE BHARUCH



Criminal Misc. Application No. 187/2026
(After Chargesheet)

Exh.

Applicant:

Tejindarsing@ Rohit Raktarsing Sardar
Age: 25, Occu: Labour work,
R/o: Bajva Village, Yogeshwar Park,
Vadodara.

V/S

Opponent :

State of Gujarat

Subject: Application under Section 483 of BNSS

ORAL ORDER

(1) This is the second application filed u/s 483 of The
Bhartiya Nagarik Suraksha Sanhita. Previous bail application

filed on the basis of FIR, vide Criminal Misc. Application No.83/2026 was dismissed on merits on 20/02/2026. The case is registered as Criminal Case No. 876/2026.

(1a) Present application is filed by the applicant in connection with the F.I.R. being registered vide CR.No. Part-A 11199010250905/2025 at 'A' Division Police Station- Bharuch for the offence under Section 305(A), 331(3), 331(4) and 61(2) of Bharatiya Nagrik Suraksha Sanhita.

(2) The facts of the case:

The facts of the present case is that, in between 27/08/2025 07:30 a.m. to 28/08/2025 14:00 p.m. some unknown person broke the iron grill door of the house of the complainant and stole gold & silver ornaments and coins from locker, amounting Rs. 3,83,000/- and committed this offence.

(3) Learned APP and the learned Advocate for the applicant/accused had appeared as intimated to them in the notice served. This Court has heard both the side and considered the papers.

(4) Submission on behalf of applicant:

The Ld. Advocate appearing on behalf of applicant/accused has submitted as per his application, most of the submission are repetition of previous bail application which

was dismissed. It is mainly submitted that, the present applicant has been falsely roped in the said offence, infact he is innocent but on the basis of transfer warrant he has been arrested in the said case. No muddamal has been recovered from the present applicant, even in the FIR the name of the accused is not stated, the accused was arrested after 3 months of registration of FIR and after his arrest he was produced before the Ld. Chief Judicial Magistrate and remand were sought, it is submitted that 13 cases are shown in the affidavit of investigation officer failed against the accused but he is released on bail in all offences, the offences against the present applicant are traible by Ld. Magistrate Court, the applicant is resident of Bharuch District and has responsibilities of his family and now the investigation is completed hence there will be no question of tempering with the evidence, the applicant will keep himself available during trial and will also comply the conditions imposed by this Court hence, it is submitted to allow the application on appropriate conditions. In support of submission the Ld. Advocate has placed reliance on following judgement...

- 1) Prabhakar Tewari Versus State of Uttar Pradesh (SC)
2020(0) AIJEL-SC 65674.

(5) Arguments on behalf of State:

The Ld. APP. relying on the affidavit of the Investigating Officer has submitted that, this is second bail application filed by the applicant, previously, Criminal Mis. Application No.83/2026 was dismissed on merits by this court and thereafter there are no

change in circumstances. The Ld. App. has mainly submitted that the applicant/accused is a habitual offender, 13 offences are registered against the present applicant, mentioned in the affidavit of investigation officer are referred and it is stated that by adopting same '*modus opernadi*' many such cases have been committed by the present applicant, at different police stations, the accused had repeatedly indulge in such type of illegal activity without any fear of law. It is lastly submitted that even after chargesheet prima facie case remains against the applicant and considering the antecedents, chances of fleeing, overall facts and circumstances and the prima-facie case against the present applicant/accused the present application is required to be rejected.

Conclusion:

(6) This Court has heard both the side, considered the investigation papers, the affidavit of the Investigating Officer, the details of the offences registered against the present applicant. It is to be noted that, nothing is pointed out regarding any change in circumstances, after dismissal of previous application i.e Criminal Mis. Application No.83/2026 .

Considering the entire record, no new circumstance are brought on record, indicating any change of circumstances, on the contrary even after investigation, prima facie case against the accused remains as it was. Previous bail application was rejected on merits after considering the detailed submission of both the side.

(7) In the case of Virupakshappa Gouda And Another vs The State Of Karnataka And Another Honourable Sumprem court has held that.....

13. On a perusal of the order passed by the learned trial Judge, we find that he has been swayed by the factum that when a charge-sheet is filed it amounts to change of circumstance. Needless to say, filing of the charge-sheet does not in any manner lessen the allegations made by the prosecution. On the contrary, filing of the charge-sheet establishes that after due investigation the investigating agency, having found materials, has placed the charge-sheet for trial of the accused persons. As is further demonstrable, the learned trial Judge has remained absolutely oblivious of the fact that the appellants had moved the special leave petition before this Court for grant of bail and the same was not entertained. Be it noted, the second bail application was filed before the Principal Sessions Judge after filing of the charge-sheet which was challenged in the High Court and that had travelled to this Court. These facts, unfortunately, have not been taken note of by the learned trial Judge. He has been swayed by the observations made in Siddharam Satlingappa Mhetre (supra), especially in paragraph 86, the relevant part of which reads thus:-

“The courts considering the bail application should try to maintain fine balance between the societal interest vis-a-vis personal liberty while adhering to the fundamental principle of criminal jurisprudence that the accused is presumed to be innocent till he is found guilty by the competent court.”

(8) In the previous bail application dismissed on merits, this court has considered the antecedents against the applicant, according to which in all **Thirteen cases** are registered against the present applicant/accused, the details of the same is as below....

- (1) ભરૂચ તાલુકા પોલીસ સ્ટેશન ગુ.ર.નં-પાર્ટ-એ-
૭૯૯/૨૦૨૨ ઈ.પી.કો.કલમ-૪૫૪,૪૫૭,
૩૮૦ મુજબ,
- (2) ઝઘડીયા પોલીસ સ્ટેશન ગુ.ર.નં-૦૨૧૧/૨૦૨૩ મુજબ,
ઈ.પી.કો.કલમ-૪૫૭,૩૮૦
- (3) નેત્રંગ પોલીસ સ્ટેશન ગુ.ર.નં-૨૪૯/૨૦૨૩ ઈ.પી.કો.કલમ-
૪૫૪,૪૫૭, ૩૮૦ મુજબ,
- (4) આમોદ પોલીસ સ્ટેશન ૧૧૧/૨૦૨૩ ઈ.પી.કો.કલમ-
૪૫૪,૪૫૭,૩૮૦ મુજબ, ગુ.ર.નં-
- (5) ભરૂચ તાલુકા પોલીસ સ્ટેશન ગુ.ર.નં-પાર્ટ-એ-
૦૦૮૧/૨૦૨૩ ઈ.પી.કો.કલમ-૪૫૪,૪૫૭, ૩૮૦ મુજબ,
- (6) ભરૂચ તાલુકા પોલીસ સ્ટેશન ગુ.ર.નં-પાર્ટ-૦૧૪૮/૨૦૨૩
૩૮૦, મુજબ, ઈ.પી.કો.કલમ-૪૫૪, ૪૫૭,
- (7) અંકલેશ્વર શહેર પોલીસ સ્ટેશન ગુ.ર.નં-પાર્ટ-૦૯૮૫/૨૦૨૩
ઈ.પી.કો.કલમ-૪૫૪,૪૫૭, ૩૮૦, મુજબ,
- (8) વાલીયા પોલીસ સ્ટેશન ગુ.ર.નં-પાર્ટ-એ-૦૦૬૫/૨૦૨૪
૩૮૦, મુજબ, ઈ.પી.કો.કલમ-૪૫૪,૪૫૭,

- (9) ભરૂચ શહેર "બી" ડીવીઝન પોલીસ સ્ટેશન ગુ.ર.નં-પાર્ટ-એ-૦૭૧/૨૦૨૪ ઈ.પી.કો.કલમ-૪૫૭,૩૮૦,૧૧૪ મુજબ,
- (10) અંકલેશ્વર શહેર પોલીસ સ્ટેશન ગુ.ર.નં-પાર્ટ-૦૨૦૩/૨૦૨૪ ૪૫૪,૪૫૭, ૩૮૦, મુજબ, ઈ.પી.કો.કલમ-
- (11) અંકલેશ્વર શહેર પોલીસ સ્ટેશન ગુ.ર.નં-પાર્ટ-૦૩૭૯/૨૦૨૪ ઈ.પી.કો.કલમ-૪૫૪, ૪૫૭, ૩૮૦, ૧૧૪ મુજબ,
- (12) અંકલેશ્વર શહેર પોલીસ સ્ટેશન ગુ.ર.નં-પાર્ટ-૦૧૪૦૨/૨૦૨૪ બી.એન.એસ.એસ.કલમ ૩૦૫(એ),,૩૩૧(૨),૩૧૭(૨),૫૪ મુજબ,
- (13) ભરૂચ તાલુકા પોલીસ સ્ટેશન ગુ.ર.નં પાર્ટ-એ-૦૭૫૭/૨૦૨૫ ૩૦૫(એ),૩૩૧(૩), ૩૩૧(૪)

(8a) Further, In the case of **Neeru Yadav v/s. State of Uttar Pradesh**, the Hon'ble Supreme Court has held in para-15 that,

"This being the position of law, it is clear as cloudless sky that the High Court has totally ignored the criminal antecedents of the accused. What has weighed with the High Court is the doctrine of parity. A history- sheeter involved in the nature of crimes which we have reproduced hereinabove, are not minor offences so that he is not to be retained in custody, but the crimes are of heinous nature and such crimes, by no stretch of imagination, can be regarded as jejune. Such cases do create a thunder and lightening having the effect potentiality of torrential rain in an analytical mind. The law expects the judiciary to be alert while admitting

these kind of accused persons to be at large and therefore, the emphasis is on exercise of discretion judiciously and not in a whimsical manner.”

(8b) This Court has considered the factors to be looked into while deciding the bail application, which includes the antecedents, likelihood of the offence being repeated, nature and gravity of the accusation, danger of the accused absconding or fleeing, if released on bail; and availability of the accused at the time of trial.

(9) Looking to the conduct of the applicant he appears to be indulging in such type of offences at regular interval, it can not be denied that there will be likelihood of such offence being repeated again if released on bail and his chances of absconding or fleeing also can not be ruled out.

(10) Considering the overall facts and circumstances of this case, the antecedents against the applicant/accused and considering the nature and gravity of the accusation, the fact that periodically the applicant/accused has been involved in such type of serious offences at different parts of Gujarat state as well as other states, moreover no change of circumstances appears after the previous bail application dismissed on merits, the judgement relied upon by the applicant would not be helpful, this Court is not inclined to allow the present application. Hence, following order...

ORDER

Present application is hereby dismissed.

Signed and pronounced in the open Court today on this
17th March 2026.

Date : 17/03/2026.
Place: BHARUCH
(EMS)

(EJAZ MOHSINALI SHAIKH)
2nd Additional District & Sessions
Judge, BHARUCH.
(Judge Code No.GJ00627)