



GJBH010006782026

IN THE COURT OF 2nd, ADDITIONAL DISTRICT & SESSIONS
JUDGE, AT BHARUCH



Criminal Misc. Application No. 220/2026

Exh.

Applicant:

Parsaram @ Farsaram Jaivatram Bishnoi
Age: 40, Occu: Driver,
R/o: Rudkali, near Jamba Pond,
Post: Pithavas, Thana: Dangiyavas,
Dist: Jodhpur, State: Rajasthan.

V/S

Opponent :

State of Gujarat

Subject: Application u.S.ection 483 of BNSS for Regular bail

ORAL ORDER.

(1) This application is filed by the applicant u.S. 483 of The Bhartiya Nagarik Suraksha Sanhita, in connection with the F.I.R. being registered vide C.R.No. A-11199035200264/2020 at Dahej Marine Police Station for the offence u.S. 407, 120(b) & 114 of the Indian Penal Code.

(2) The facts of the case:

The facts of the present case is that the accused in the said case as per the conspiracy hatched, loaded the goods in the trailers on 07/10/2020 and left the Birla Copper company at Dahej on 08/10/2020 and instead of delivering the goods at three different location i.e., Hindalco Depot, 551- Pinia Industrial Area and Bangalore, they escaped with the trailers loaded with the copper muddamal amount to Rs. 3,51,09,522/- and committed this offence.

(3) This Court has heard both the side and considered the papers.

(4) Submission on behalf of applicant

The submission of the Ld. Advocate appearing on behalf of applicant are based on the bail application, apart from the application, it is mainly contended that, the name of the present applicant/accused is not stated in the FIR and merely, on the basis of the statement of co-accused during the investigation the

present applicant is arrested. It is submitted that the trailer used in the offence does not belong to the applicant and after the arrest of the applicant no remand were sought by the police, hence, it appears that the presence of the co-accused is not required for further investigation. Further, it is submitted that in all twenty accused are there in the said offence and still thirteen of them are absconding. It is submitted that the co-accused is released on regular bail by the Ld. Magistrate at Vagra and other co-accused were also granted bail. It is further submitted that the present applicant was cleaner in the trailer, no role has been played by him, the other co-accused who were absconding and thereafter, arrested, are also granted bail. It is submitted that the co-accused Nemichand named in the FIR is also released on bail, whereas, the name of the present applicant is not mentioned in the FIR. Finally, it is submitted that the applicant is having responsibilities of his family, he is the only breadwinner and he will co-operate during the investigation and will comply the conditions imposed by this Hon'ble Court, hence, it is submitted to allow the application.

(5) Arguments on behalf of State:

The Ld. APP has mainly relied on the affidavit of the Investigating Officer. It is submitted that the offence was registered on 14/10/2020 and since then, the accused has kept him out of the reach of the police and as he was not traceable, warrant of arrest u.S. 70 of CrPC was issued by the Ld. Judicial Magistrate F.C. Vagra- Bharuch on 14/10/2022 and after committing the said offence the present applicant/accused was

absconding since the year 2020, it is submitted that active role has been played by the present applicant, at the time of offence he was cleaner in the Trailer No. RJ-19-GD-2975, the trailer was carrying the copper wire amount to Rs. 3,51,09,522/- of Birla Copper Company (Hindalco Industries) at Dahej, which was to be delivered at Bangalore but, it was sold at Rajasthan. It is submitted that the police was in constant watch and on receiving the information the accused was nabbed when he came to Ahmedabad at Odhav and as the accused is from out-state, if his bail application is granted, he may not be available during the trial and the trial will be delayed. Hence, it is lastly prayed to reject the application.

Conclusion:

(6) This Court has heard both the side, considered the allegations levelled against the present applicant in the FIR and perused the papers provided by the Investigating Officer.

(7) At this stage, it is not necessary to go into the correctness or otherwise of the allegations made against the applicant/accused. This is a matter, that will of-course be dealt with during the trial, but, at the same time, some observations for deciding the present application are required.

(8) Considering the record, at this stage, it appears that the present applicant/accused was a cleaner in the Trailer No. RJ-19-GD-2975 and at the time of offence he was present in the trailer along with the driver/owner, this Court has also taken note that as

per the record the copper amount to Rs. 3,51,09,522/- was to be delivered at Hindalco Depot at Bangalore, the company from where the copper was loaded i.e., Birla Copper Company had fixed GPS system in the said trailer, so that the trailer can be traced-out during the journey, but, the driver of the trailer along with the present applicant had removed the GPS from the said trailer and the same was fixed in Swift Car of the co-accused and after removing the GPS, the trailer containing the copper of huge amount was taken to Rajasthan, whereas, Swift Car was driven towards Bangalore and this act was done to misguide the company from where the muddamal copper was loaded and thereafter, the copper was sold at Rajasthan and the same was unloaded in a godown at Jodhpur-Rajasthan.

(8.1) The present applicant was also part of the above act it was committed in presence of present applicant, he was cleaner on the said trailer on the day of offence and after committing the offence the present applicant had remained out of reach of police, he was not traceable and hence, warrant u.S. 70 of CrPC was issued against him on 14/10/2022 and it was due to the constant watch of police that the present applicant was nabbed when he came to Ahmedabad.

Thus, the present applicant after committing the offence had remained absconding, at this juncture, considering the above facts and circumstances, the judgement of Hon'ble Supreme Court in the Petition(s) for Special Leave to Appeal (Crl.) No. 1403/2002, **JAGTAR SINGH VERSUS SATENDRA KAUR @ BHAVANA GROVER & ORS** has held that...

The order passed by the High Court appears to be unusual one. Learned counsel for the State submits that at present the respondents-applicants are absconding.

Normally, when the accused are absconding there is no question of granting anticipatory or regular bail.

Admittedly, neither the High Court nor the Sessions Court has granted anticipatory bail in this matter. Hence, it would be open to the Investigating Officer to arrest the respondents.

(9) Against the said applicant, still the investigation is pending, though, the other co-accused are released on bail, but, still, as per the submission of the Ld. advocate all the thirteen accused are absconding. The said offence has been committed in conspiracy with all the co-accused, and as the present applicant had remained absconding, he belongs to out-state, whether he would be available during the trial or not is also in doubt. This Court has to decide each bail application on the facts and circumstances of particular case, considering the role and the on record conduct of the accused, he was absconding, he was avoiding his arrest, warrant was issued against him, the matter against him is still pending for investigation, hence, considering the above referred judgement, this Court is of the opinion that discretion is not required to be exercised in favour of the applicant at this stage, hence, following order...

ORDER

Present application is hereby dismissed.

Signed and pronounced in the open Court today on this
25th March 2026.

Date : 25/03/2026.
Place: BHARUCH
(KKC)

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