



GJBH010015042026

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



Criminal Misc. Application No. 460/2026.

Exh. _____

Applicant:

Yogendrasing Rajendrasing Chandravat.

Hindu Age: adult, Occu: Business.

R/o: House No. 95, New Aabadi, Mahidarpur Road

Taluka: Nagda(नगडा), Dist: Ujjain,

State: Madhya Pradesh.

(Currently at Sub Jail-Bharuch.)

V/S

Opponent :

State of Gujarat.

Application for Bail under Section. 483 of BNSS

ORAL ORDER

(1) This is an application under Section 483 of BNSS for regular bail, in connection with the offences registered at Dahej Police Station, vide Crime Register No. Part- 'A' 11199016260426/2026 under Sections 286, 287, 336(2), 336(3), 338, 340(2), 61(2) of Bhartiya Nyay Sanhita.

(2) Submission on behalf of Ld. advocate for the applicant/accused:

Apart from the contents of the bail application the Ld. advocate has also submitted that, the name of the present applicant is falsely roped in the FIR, in-fact the present applicant was not present at the site along with the driver, the present applicant/accused is not involved in forgery of any bogus-built for any other documents and he has no relation with the company stated, the CDR produced are not authentic. It is submitted that, merely on the basis of the statement of the driver i.e., the co-accused, who was caught at the place of offence along with the tanker containing chemical but he was not arrested and he was set free by the police. It is further submitted that no prima-facie case is there against the accused, he is falsely involved in other offences mentioned in the affidavit of investigation officer, it is submitted that the investigation is almost completed and hence, on appropriate conditions the present applicant be released on bail.

(3) Submission of Ld. APP:

The Ld. APP has relied on the affidavit of the Investigating Officer, it is mainly submitted that the, the entire offence is committed by hatching criminal conspiracy and the presence of the accused at site may not be necessary, as a part of conspiracy, all the accused were in contact with each other, many calls were made with present applicant/accused and other co-accused the CDR details are on record, It is submitted that the applicant/accused is habitual offender and other two such offences are registered against him the details of the same are mentioned in the affidavit, still other co-accused are absconding and are to be arrested, the offence is committed by hatching conspiracy, in the case on hand hazardous chemical is seized from the vehicle owned by co-accused and the bulky which was seized from the vehicle is in the name of co-accused and the present applicant was also in contact with other accused persons. The hazardous chemical has been seized affecting the nature and the human being. It is further submitted that still the investigation is under progress, the applicant is the resident of Madhya Pradesh, it is submitted that this is not a stage for allowing the application bail particularly when investigation is at initial stage and it is submitted to dismiss the application.

Conclusion:

(4) This Court has considered the submission of both the side, the affidavits and the papers provided. What is required to be considered at this stage, is to see that whether prima-facie case is there against the accused persons, without entering into the correctness or otherwise of the allegations made against the

applicants/accused. This is a matter, that will of-course be dealt with during the trial, but at the same time some observations are required for deciding the application.

Role of the present applicant/accused...

(5) It is to be noted that, offence under Section 61 (b) of BNS i.e., of criminal conspiracy, is also registered against all the accused including the present applicant.

61. Criminal conspiracy.—(1) *When two or more persons agree with the common object to do, or cause to be done—*

(a) an illegal act; or

(b) an act which is not illegal by illegal means, such an agreement is designated a criminal conspiracy:

Provided that no agreement except an agreement to commit an offence shall amount to a criminal conspiracy unless some act besides the agreement is done by one or more parties to such agreement in pursuance thereof.

Explanation.—It is immaterial whether the illegal act is the ultimate object of such agreement, or is merely incidental to that object.

(2) *Whoever is a party to a criminal conspiracy,—*

(a) to commit an offence punishable with death, imprisonment for life or rigorous imprisonment for a term of two years or upwards, shall, where no express provision is made in this

Sanhita for the punishment of such a conspiracy, be punished in the same manner as if he had abetted such offence;

(b) other than a criminal conspiracy to commit an offence punishable as aforesaid shall be punished with imprisonment of either description for a term not exceeding six months, or with fine or with both.

(5.1) Hence, as the allegations against the applicants are of criminal conspiracy also, under such facts and circumstances, what is the role of particular accused will be an issue for investigation, in the FIR, from the very beginning, the present applicant was shown at Serial No.3 as “Wanted”. It is to be noted that hazardous chemical has been seized by the concerned Police Officer, the allegations against the present applicant is that along with the co-accused by hatching criminal conspiracy, all the accused were in contact with each other, as per the CDR details, many calls were made and present applicant/ accused was also in contact with the other co-accused, the details of CDR produced are also considered, the accused is resident of Madhya Pradesh, he is involved in other offence also and whether he would be available during trial is also a question.

Antecedents.....

(6) As per the affidavit of investigation officer 2(TWO) cases are registered against the present applicant, the details of the same is stated below.

1) Ankleshwar Rural Police Station Cr. No.

11199006230367/2023 IPC Section 277, 284, 114, 465, 467, 468, 471, 120(b)

2) Ankleshwar City B-Division Police Station Cr. No.

111990061230910/2023 IPC Section 465, 468, 471, 278, 336, 114.

(6.1) In the case on hand, as per the FSL Officer's report the chemicals seized from the Tanker No.RJ-09-GC-7832 was of (hazardous waste type highly acetic) and during investigation it was also found that the sample obtained from Malvis Industries and the chemical seized were same as per the report of officers of GPCB. It is also found during the investigation that, the bill were bogus, the affidavit of the Investigating Officer. The bogus bills were sent to the whatsapp of the co-accused, driver Sandipsing.

(7) The statement of Hardik Patel is considered by this Court, who is the owner of Kaizen Pharmaceutical Pvt. Ltd., during his statement he has stated that the name and GST number shown in the bills produced by the driver of the tanker is not of his company i.e., Kaizen Pharmaceutical Pvt. Ltd., and the chemical is loaded from Malvis Company but his company has not sold any chemical to Malvis Company or Kaizen Pharmaceutical Pvt. Ltd., and the details in the bills are not of his company. The said witness, Hardik Patel- owner of Kaizen Pharmaceutical Pvt. Ltd., is also considered and he has also stated that Kaizen Pharmaceutical Industries had not given any order for chemical or had not purchased such chemical.

Conduct of the Investigating Officer.....

(8) The conduct of the Investigating Officer is also required to be noted, as what appears from the record is that the offence is of dated 11/04/2026, on the very same day the Directorate of Forensic Science- Gandhinagar had given the opinion that the chemical in the Tanker No. RJ-09-GC-7832, according to which the chemical was highly acetic and he has given opinion that, **“સદર પ્રવાહી પ્રાથમિક દ્રષ્ટિએ હેઝાર્ડસ વેસ્ટ પ્રકારનું હાઈલી એસિટિક જણાય છે.”** As per the FIR the driver of the above said Tanker No. RJ-09-GC-7832 was present, who has produced the bills but in-spite of a clear opinion of FSL Officer the Investigating Officer has not cared to register the FIR and the driver- Sandipsinh Mahendrasinh present during the checking, was allowed to go and was not arrested, the said accused/driver, is now shown in the FIR as wanted at Sr. No. 5. The FIR was delayed by twenty-four days.

(9) This court has considered that, each bail application is to be decided as per the facts and circumstances of a particular case. In the case on hand, considering the entire case papers, role of the applicant, at this stage, prima-facie case appears against the present applicant/accused, the offence as alleged is committed by hatching criminal conspiracy, considering the CDR, the statements of witnesses recorder till now, the accused was also in contact with the other co-accused, still the investigation is under progress, the accused is residence of Madhya Pradesh, he is involved in other offences also and whether he would be available during trial is also a question, hence the submission

made that the, anticipatory bail application vide R/Criminal Misc. Application (For Anticipatory Bail) No.12536 of 2026 is allowed and parity claimed by relying on the siad order would not be tenable. Hence, this court pass following order.

ORDER

The present application is **Dismissed**.

Signed and pronounced in the open Court today on this 23rd day of June 2026.

Date : 23/06/2026.

Place: BHARUCH
(EMS)

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