

**IN THE COURT OF JUDICIAL MAGISTRATE FIRST CLASS
AT VAGRA, BHARUCH**

Applicants.....1. Keval S/o Bharatbhai Fefar

2.Kishanbhai S/o Gokalbhai Desai

3. Hardik S/o Dineshbhai Kela

R/o Morbi, Gujarat.

V/s

Respondent.....State

FIR NO.310/2025

Police Station- Dahej Marine

Order below Bail Application under section 480 BNSS

Present:

1. Mr. P.M.Dave, Advocate for Applicants/accused

2. Assistant Public Prosecutor for the State

ORDER

The present application is filed by the applicants/accused under Section 480 of the Bharatiya Nagarik Suraksha Sanhita (BNSS) seeking regular bail in connection with FIR No. 310/2025 registered with Dahej Police Station for the offences punishable under Sections 316(3), 61(2), 318(4), 336(2), 336(3), 338, 340(2), 317(2) of BNS.

Heard learned Advocate for the applicants and learned Assistant Public Prosecutor for the State. Records of the case and submissions have been carefully considered.

Learned counsel for the applicants/accused have argued that the applicants/accused were arrested by the police on 12-03-2026 and since the accused are in the Judicial custody. He further argued that the applicants/accused have falsely been implicated in the case Applicants/accused has nothing to do with the case. Counsel further submitted that the accused are bonafide purchasers of the material alleged to be stolen and have all the GST bills of the said material.

Applicant/accused submitted that the said offence is triable by the magistrate.

He further submits that there is no chance of absconding of applicants and the accused/applicants have no desire to evade the due process of law and shall face the trial to vindicate their innocence, accused/applicants are ready to abide by any condition imposed by this Hon'ble Court.

Learned APP has vehemently opposed the bail application and also submitted that the accused have purchased the stolen material knowing this fact as the company from which they have purchased does not manufacture this product and have purchased at unreasonable low price which raises prima facie suspicion and the owner of the company from which present accused have purchased material is still to be arrested as he is absconding from the investigating agency and therefore release of the accused at this stage may affect the investigation and endanger the witnesses.

After taking into consideration the above arguments and landmark precedent of Hon'ble Apex Court i.e. **The State of Rajasthan V. Balchand. AIR 1977 SC 2447** held "The basic rule may perhaps be tersely put as bail, not jail, except where there are circumstances suggestive of fleeing from justice or thwarting the course of justice or creating other troubles in the shape of repeating offenses or intimidating witnesses".

Upon careful consideration of the material placed on record, land precedents and rival submissions and punishments for the alleged offenses, this Court finds that there is apprehension of hindrance in investigation and high risk of flight of accused from the trial if released on bail which will cause unnecessary delay to trial, Therefore looking at the fact and circumstance of the case and without commenting on the merits of the case I deem it just and proper to pass the following order.

FINAL ORDER

The bail application is hereby rejected

Date:-16-03-2026

Judicial Magistrate First Class

Vagra, Bharuch