

GJBK010018192026



Filed on : 11.05.2026

Registered on : 11.05.2026

Decided on: 30.05.2026

Duration : 19.00.0000

D M Y

**IN THE COURT OF 6TH ADDITIONAL SESSIONS
JUDGE, BANASKANTHA DISTRICT AT PALANPUR**

CRI. MISC. APPLN. NO.550/2026

Exh. - 09

Applicant:

Fosi Ashvinbhai Shankarbhai @ Raju Bhap,
Age: 39 years, Occ. Business,
R/o.Anandnagar Society, Jampura, Tal.Palanpur,
Dist.Banaskantha.

Versus

Opponent: The State of Gujarat

**SUBJECT :- APPLICATION
UNDER SECTION 482 OF
BNSS, 2023 FOR
ANTICIPATORY BAIL.**

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Appearance:

Mr. A.B.Raval, Ld. Adv. for the Applicant
Mr. M. R. Chaudhary, Ld. Spl.P.P. for the State.

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:: J U D G M E N T ::

- 1) Present application is filed by applicant under Section 482 of BNSS, 2023, seeking anticipatory bail in connection with an FIR registered against him with Palanpur City West Police Station bearing No.11195010251122 of 2025 under Sections 103(1), 109(1), 115(1), 189(2), 190, 191(3), 3(5), 324(4) of BNS, 2023 and Section 135 of the G.P. Act.
- 2) Learned Advocate Mr. A.B.Raval for the applicant has submitted that the applicant is innocent and has not committed any offence as alleged in the FIR. He has further submitted that he has been falsely roped in this offence based on the suspicion by the police. He has further submitted that he was not present on the spot of incident or nearby. He was also not found in the CCTV images of the investigating officer. He has further submitted that as per the police, he has been roped in the offence merely because he went to the spot of incident with the accused-Nitinbhai on his activa. Looking to the role of the applicant in the offence, no custodial interrogation is required to be done. He has further submitted that no recovery or discovery is left out. The police has already recovered the weapons from which the deceased and injured was assaulted. He has further submitted that due to the social animosity of complainant, he has been roped in this offence. He has further submitted that he is reputed person of his society and if the police will arrest him, his reputation in the society will diminished. He has further submitted that there is no

antecedents reported against the applicant. He has further submitted that the applicant is having responsibility to maintain his family. He has further submitted that the police has already filed the charge-sheet quo the other co-accused. He has further submitted that he is ready to cooperate with the investigation. It is further submitted that applicant is also ready and willing to abide by the terms and conditions that will be imposed by the court while releasing him on anticipatory bail. Therefore, he has requested to allow this application to release him on anticipatory bail.

- 3) Upon issuance of notice, learned Spl. P. P. Mr. M. R. Chaudhary has appeared and by filing an affidavit of I. O. at Exh. 8 has opposed the bail application of applicant. He has contended that the applicant is involved in serious offence like murder by forming unlawful assembly. He has further contended that the applicant has went on the spot of accident with accused-Nitin who inflicted serious injuries to the victims. The police has also recovered the call details between the applicant and accused-Nitin and he is actively involved in the criminal conspiracy for the murder of the deceased. Hence, there is a prima facie case against the applicant. Therefore, looking to the role of accused in the offence, the custodial interrogation of the applicant becomes very much necessary. He has further contended that since the offence, the applicant is out of the clutch of the police and willfully preventing his arrest. Hence, he has prayed to reject this application.

- 4) Heard, learned Advocates for the parties. Perused the bail application, police papers and affidavit of I. O. produced on record.
- 5) Perusing the record, it reveals that an offence under Sections 103(1), 109, 115(1), 189(2), 190, 191(3), 3(5), 324(4) of BNS, 2023 and Section 135 of the G.P. Act, is registered against the applicant with Palanpur City West Police Station. In the above offence, one of the victim-Bharatbhai has suffered severe lethal injuries and died during the course of treatment whereas other has suffered severe injuries. In the above offence, the present applicant went on the spot of incident with accused-Nitin, who inflicted serious injuries to the victims. It further reveals from the police papers that the police has recovered the call details between the applicant and accused-Nitin. All the accused hatched criminal conspiracy and commit the serious offence like murder. The police has also collected other evidence ensuring the active participation of the present applicant in the offence. Hence, there is a prima facie case against the applicant. Looking to the nature of offence as well as the role of the applicant as stated by the police in police papers, custodial interrogation of the applicant is very much necessary. It is stated by the police that the applicant is absconding since the incident and he is preventing his arrest and not cooperating with the investigation. In such circumstances, granting anticipatory bail to the accused, will hindered the way of investigation, which is not desirable. Looking to the nature of offence, it

has huge impact on the society at large and lenient view cannot be adopted in such serious offence. It is true that the applicant has right to personal liberty but this liberty cannot be granted by compromising the free and fair investigation in serious offence like murder. In all such circumstances, this court do not deem it fit to incline discretion in favour of applicant to enlarge him on anticipatory bail and hence, the following order is passed in the interest of justice;

:ORDER:

The present anticipatory bail application is hereby rejected.

Signed & pronounced on today on this **30th day of May, 2026.**

Place: PALANPUR.

Date: **30/05/2026**

(D.S.Shrivastava)
6th Additional Sessions Judge,

Banaskantha at Palanpur
[Code No. : GJ00819]