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DURATION : Y M D  
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**IN THE COURT OF ADDITIONAL SESSIONS JUDGE,  
BANASKANTHA AT THARAD.**

**(Cr.M.A. No. 143 of 2026)**

**Kalubhai Maganbhai Thakor**

Aged : 38 years, Occupation : Farming,  
R/o. : Radosan, Tal. : Suigam, Dist. : Vav-Tharad

**...Applicant**

**VERSUS**

**The State of Gujarat.**

Through Ld. Addl.P.P., Tharad.

**...Opponent**

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**Appearance:-**

**Shri A. N. Acharya**, Learned Advocate for the Applicant.

**Shri R. D. Joshi**, Learned Addl.P.P for the State.

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**APPLICATION FOR REGULAR BAIL**

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

1) The applicant – accused has preferred this application for releasing him on regular bail in connection with F.I.R. No. 11996005260038/2026 registered at Suigam Police Station, Banaskantha for the offences punishable under Section 115(2), 118(2), 109(1), 296(B), 351(3), 54 of BNS and Section 135 of the G. P. Act.

2) Pursuant to filing of the application, notice came to be issued and served upon the opponent State and the learned Addl.P.P Shri R. D. Joshi has appeared on behalf of the State and

filed the affidavit prepared by the I.O. at Exh.6 and has argued against the present application.

3) I have heard the learned advocate for the applicants and Ld. A.P.P. for the opponent-State.

4) The Ld. Advocate Mr. A. N. Acharya for the applicant has argued as per the bail application filed by him and has drawn my attention to the facts of the complaint. Ld. Advocate for the applicant has further argued that the present applicant has not committed any crime at all and he has been falsely implicated in the present case. It is further argued the injured is now out of danger and it appears from the contents of the FIR that no life-threatening injuries had been caused. It is further argued that the applicant has been in custody since 18.02.2026 and now, investigation qua him, has been completed and he is not required for the purpose of any recovery or discovery. It is further argued that the co-accused Valabhai Maganbhai Thakor and Vardhabhai Maganbhai Thakor have already been released on regular bail by this court vide order dated 05.03.2026 passed in CrMA No. 130/2026 and the present application also deserves consideration on the ground of parity. With these submissions, Ld. Advocate for the applicant has requested to enlarge the applicant on regular bail on suitable conditions.

5) The learned A. P. P. Shri R. D. Joshi has vehemently argued that the present applicant is an accused in a serious offence and he has a clear role in the offence, therefore, he has strong objection against the grant of the present application. It is further argued that the accused had inflicted serious injuries to the injured. It is further argued that the role of the present

applicant is different from the co-accused who have been released on bail by this court and hence, the benefit of parity cannot be granted to him. Ld. APP for the State has further argued that the investigation of the present case is yet to be completed and if the applicant would be enlarged on bail, there is a greater possibility that he may hamper the investigation or tamper the evidences. Therefore, it is requested by the Ld. APP for the State that considering the nature and gravity of the offence, the present application may be rejected.

6) I have heard arguments of both the parties. I have considered the contents of present application as well as contents of affidavit filed by the I.O. at Exh.6. The perusal of the record also shows that the co-accused persons Valabhai Maganbhai Thakor and Vardhabhai Maganbhai Thakor have already been released on regular bail by this court vide order dated 05.03.2026 passed in CrMA No. 130/2026. Further, it has been held by Hon'ble Gujarat High Court in the judgment titled as **Rameshbhai Batukbhai Dabhi vs. State of Gujarat, reported in 2011(3) GLR, 1999** that; The parity should be considered and applied if same set of facts exists unless there being any extraordinary circumstances or is striking dis-similarities to deviate from the rule of parity. In the present case, no dissimilarities in the role of the present applicant and co-accused and no extraordinary circumstances exists, thus, taking into consideration the entire facts and circumstances of the present case and the documents produced by both the sides, considering the nature of the offence and considering the facts that; the co-accused has been granted bail in the present case.

Further, it appears that now, the injured is out of danger and has been discharged from the hospital. The perusal of the record shows that the applicant has been in custody since 18.02.2026 and now, investigation qua him, has been completed. It is settled position of law that the bail is rule and jail is exception, therefore, considering all the facts, nature and gravity of the present case, role attributed to the present applicant and considering the fact that the trial of the case may take some time may result in pre-trial conviction to the present applicant, this court is of the opinion that the present applicant should be released on regular bail on appropriate conditions. Hence, in the interest of justice and considering the judgment pronounced by the Hon'ble Supreme Court in case of **Sanjay Chandra vs. CBI (2011 (0) AIJEL-SC 50709)**, the following order is passed.

**// ORDER //**

- 1] The Criminal Misc. Application No. 143/2026 is hereby allowed.
- 2] The applicant **Kalubhai Maganbhai Thakor**, is ordered to be released on regular bail in connection with F.I.R. No. 11996005260038/2026 registered at Suigam Police Station, Banaskantha for the offences punishable under Section 115(2), 118(2), 109(1), 296(B), 351(3), 54 of BNS and Section 135 of the G. P. Act, on executing Personal Bond of Rs. 50,000/- (Rupees Fifty Thousand only) with surety of the like amount by the applicant, to be furnished in the concerned Court, to the satisfaction of the Court, subject to following conditions :-

- 1] The applicant shall not take undue advantage of his liberty or misuse his liberty.
  - 2] The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or to the Police Officers or tamper with the evidence.
  - 3] The applicant is directed to download E-Courts App and directed to take his case in 'my case' when the charge-sheet will be filed and directed to remain alert the dates of proceedings of the case.
  - 4] The applicant shall not leave India without prior permission of the concerned Court.
  - 5] The surety of the applicant shall have to produce his photographs at the time of executing the Surety Bond, and the photographs shall not be more than six months' old.
  - 6] The Investigating Officer is directed to verify the permanent addresses of the applicant and to furnish a Report in this respect before the concerned court.
- 3] A yadi of this order be sent to the concerned Police Station.

Signed and Pronounced in the Open Court on this 11<sup>th</sup> day of March, 2026 at Tharad, Banaskantha.

**THARAD**  
**DATE : 11/03/2026**

**(P. M. SAYANI)**  
**ADDL. SESSIONS JUDGE,**  
**THARAD, BANASKANTHA**  
**CODE No. [GJ00575]**