

GJBN010010242026



Received on : 07.03.2026  
Registered on : 07.03.2026  
Decided on : 13.03.2026  
Duration : DD MM YY  
06 - 00 - 00

**IN THE COURT OF 4TH ADDITIONAL SESSIONS JUDGE,  
BHAVNAGAR.**

=====  
**Criminal Misc. Application No.434 of 2026.**  
=====

EXH.NO -

**Applicants. : (1) Vanrajbhai Surshangbhai Nakum,**

Age : 40 years, Occu : Business/Agriculture,  
R/o.Navagam Kanivav, Ta.Sihor, Dist.Bhavnagar.

**(2) Bharatbhai Haribhai Nakum,**

Age : 44 years, Occu : Business/Agriculture,  
R/o.Navagam Kanivav, Ta.Sihor, Dist.Bhavnagar.

**(3) Rameshbhai Ratansangbhai Mori,**

Age : 53 years, Occu : Agriculture,  
R/o.Usarad, Ta.Sihor, Dist.Bhavnagar.

(at present all are in judicial custodial at District  
Jail, Bhavnagar)

**Vs.**

**Opponent. : The state of Gujarat.**

.....  
**Application for Regular bail under Section 483 of the  
Bharatiya Nagarik Suraksha Sanhita, 2023.**  
.....

**APPEARANCE:**

Ld. Advocate for the applicants : Mr. G.I.Makwana,  
Learned A.P.P. for the State : Mr. D.A.Mehta.

.....

**JUDGMENT**

**[1.0]** This application is filed by the applicants under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 for regular bail in connection with F.I.R. registered as **A Part C.R. No.11198047260143/2026** with **Sihor Police Station, Bhavnagar** for the offence punishable under **Sections 118(2), 115(2), 189(2), 189(4), 191(2), 191(3), 190, 194(2), 296(B), 324(4) 3(5) of BNS and Section 135 of G.P.Act.**

**[2.0]** It is stated by the applicants that, the applicants have been arrested by the police in connection of the afore-stated offence and and produced before the Hon'ble Court and Hon'ble Court has sent them to the judicial custody and since the applicants are in judicial custody and hence, the present application has been filed under Section 483 of B.N.S.S.

**[3.0]** On service of notice to the opponent, Ld. A.P.P. appeared on behalf of State and investigating officer has filed affidavit in support of the complaint and also submitted police papers.

**[4.0]** Ld. Advocate for the applicants has submitted that the applicants have no connection with the alleged offence and

that they have been falsely implicated with the present offence. It is further submitted that there is no allegation against the present applicants that they have assaulted the victim on vital part. Further it is submitted that the victim is already discharged from the hospital and he is out of danger. It is further submitted that earlier the present applicants have filed CRMA No.377/26 to release them on anticipatory bail but this Court has rejected the application on 02.03.2026. It is further submitted that the conclusion of trial of the alleged offence is likely to take long time and the denial of bail to the applicants would amount to pre-trial punishment, which is alien to criminal jurisprudence. It is submitted that the present applicants are permanent residence at the address given in the cause title and have a family to support and are not likely to jump bail or evade trial. It is submitted that the applicants undertake to abide by all or any condition that may be imposed by the Court in bail order and considering all the above factor it has been prayed that the present applicants may be enlarged on bail.

**[4.1]** It is further argued that considering the role of co-accused - Manubhai Vajabhai Nakum, he has granted bail in CrMA No.294/2026 by this Court on 20.02.2026, therefore, this application of similar situated applicants may also be allowed on the ground of parity.

**[5.0]** On the other hand, learned A.P.P. appearing for the opponent-state has opposed the bail application and as per the averments of the affidavit further submits that there is prima

facie case against the present applicants as alleged in the FIR. It is further submitted that not only that they have also assaulted Manubhai Vajabhai Nakum with sword, iron pipe, dhoka on head and and caused injury to the complainant and abused and threaten the complainant and thereby committed the alleged offence. Further submits that in this case, investigation is going on. Therefore, if the present applicants are released on bail, there are chances of tampering with the prosecution evidence. Hence present application may be rejected.

**[6.0]** I have heard the Ld. advocates appearing on behalf of the respective parties and perused the papers.

**[7.0]** On perusal of the FIR, police papers, affidavit filed by the Investigating Officer and submission of the advocates for the either parties and considering the facts and circumstances of the case and the nature of allegation made against the applicants as well as the role attributed to the present applicants, it appears that allegation against the present applicants that they have also assaulted Manubhai Vajabhai Nakum with sword, iron pipe, dhoka on head and and caused injury to the complainant and abused and threaten the complainant and thereby committed the alleged offence. Further it is clear from the record that the injured is discharge from the hospital and now he is out of danger. It is further appears that the investigation against the present applicants is almost over and further custodial interrogation of the accused is not required in this matter, hence under the

said circumstances this court is of the opinion that present applicants deserve regular bail.

**[7.1]** Further, here in this case the applicant pleads parity on the basis of bail granted to co-accused Manubhai Vajabhai Nakum, who has been enlarged on regular bail in CrMA No.294/2026 by this Court on 20.02.2026. It appears that the role of present applicants are more or less at par with that of the co-accused who has been released on bail by this Court. Therefore, considering the ratio of parity laid down by the Hon'ble High Court in cases of **2004 (3) GLH 297 "Patel Vishnubhai Shivrambhai Vs. State of Gujarat"** and **2011(3) GLR 1999 "Rameshbhai Batubhai Dhabhi Vs. State of Gujarat"** the application of present applicants is also required to be allowed on the ground of parity.

**[8.0]** Considering the role of the applicants, quantum of punishment and the fact that applicants are having permanent resident of address given in the cause title of the application and without discussing the evidence in detail, considering the settled position of law as well judicial precedents with regards to grant of bail in cases of **AIR 1984 (SC) 372 "Bhagirathsinh Jadeja Vs. State of Gujrat"** ; **(2012) 1 SCC 40 "Sanjay Chandra Vs. CBI"** and Special Leave to Appeal (Cri.) 5191 of 2021 **"Satender Kumar Antil Vs. CBI & Ors."** prima facie, this court is of the opinion that this is a fit case to exercise the discretion in favour of the present applicants.

**[8.1]** Further the objection and apprehension raised by the prosecution against the grant of bail can be addressed and taken care of by imposing certain conditions. Hence, considering the quantum of the punishment in the alleged offences as well as in order to assure the presence of the applicants for trial and to avoid any hindrance to the prosecution, it would be appropriate to impose certain conditions. Therefore, this Court is of the view that it is a fit case to exercise discretion to grant bail to the present applicants subject to certain conditions. Therefore, the following order is passed.

**::O R D E R::**

1. The present bail application is hereby allowed.
2. The applicants - **(1) Vanrajbhai Surshangbhai Nakum, (2) Bharatbhai Haribhai Nakum, (3) Rameshbhai Ratansangbhai Mori**, are hereby ordered to release on bail in connection with the offence registered before **Sihor Police Station, Bhavnagar**, vide **A Part C.R. No.11198047260143/2026** for the offence punishable under **Sections 118(2), 115(2), 189(2), 189(4), 191(2), 191(3), 190, 194(2), 296(B), 324(4) 3(5) of BNS and Section 135 of G.P.Act.**, upon executing a personal bond of **Rs.25,000/- (Twenty Five Thousand Only) each** with one surety of the like amount subject to the following conditions.

*(a) The applicants shall not obstruct or hamper the police*

*investigation in any manner and shall cooperate the investigation Officer;*

*(b) Shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the fact of the case so as to dissuade them from disclosing such facts to the Court or to any police officer;*

*(c) Shall not commit any offence while on bail;*

*(d) applicants shall not enter in the area where the original complainant is residing, till the completion of trial but they can enter in the Bhavnagar on the date, which they have to mark themselves before the Concerned Police Station.*

*(e) shall not leave the territory of India without permission of the trial Court and Shall surrender their passport, if any, before the trial court or shall file an affidavit that they do not hold a passport, within seven day of furnishing bail before the court concerned;*

*(f) shall remain present before the trial Court regularly;*

*(g) Shall mark their personal presence before the concerned Police Station once during first week of the month between 10.00 a.m. to 5.00 p.m. till filing of chargesheet;*

*(h) Shall at the time of execution of bail-bond, furnish the address of residence with authentic proof & mobile number of the applicants as well as their surety to the investigating officer and to the Court concerned and in case of change of any address, they shall inform their new address to the concerned police station & the Court immediately;*

**Bail bond be executed before the concerned trial Court.**

**Yadi of this order be sent to the concerned Court and Police Station.**

**Pronounced today in open Court on this 13th day of March, 2026.**

Date: 13.03.2026 **(JIGNESH GIRISHBHAI DAMODRA)**

4<sup>th</sup> Additional Sessions Judge,  
Bhavnagar.

Place: Bhavnagar

Unique ID Code No.GJ00996