

GJBN010010292026



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.**

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Criminal Misc. Application No.439 of 2026.
 =====

EXH.NO -

Applicant. : Jaydipbhai Jemalbhai Nakum,

Age : 32 years, Occu : Business,
 Residing at : Navagam Kanivav, Ta.Shihor,
 Dist.Bhavnagar.

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

Vs.

Opponent. : The state of Gujarat.

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

APPEARANCE:

Ld. Advocate for the applicant : Mr. J.U.Thakker,
 Learned A.P.P. for the State : Mr. D.A.Mehta.

JUDGMENT

[1.0] This application is filed by the applicant 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 applicant that, the applicant has 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 him to the judicial custody 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 applicant has submitted that the applicant has no connection with the alleged offence and that he has been falsely implicated with the present offence. It is further submitted that there is no allegation against the present applicant that he has 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 applicant has filed CRMA No.377/26 to release him on anticipatory bail but this Court has rejected the application on 02.03.2026. It is further submitted that the the conclusion of trial of the alleged offence is likely to take long time and the denial of bail to the

applicant would amount to pre-trial punishment, which is alien to criminal jurisprudence. It is submitted that the present applicant is a permanent residence at the address given in the cause title and has a family to support and is not likely to jump bail or evade trial. It is submitted that the applicant undertakes 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 applicant 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 applicant 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 applicant as alleged in the FIR. It is further submitted that not only that he has 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 applicant is 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 applicant as well as the role attributed to the present applicant, it appears that allegation against the present applicant has not only that he has also assaulted Manubhai Vajabhai Nakum with sword, iron pipe, dhoka on head 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 complainant/victim is discharge from the hospital and now he is out of danger. It is further appears that the investigation against the present applicant 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 applicant deserves 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 applicant is 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 applicant is also required to be allowed on the ground of parity.

[8.0] Considering the role of the applicant, quantum of punishment and the fact that applicant is 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 applicant.

[9.0] 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 applicant 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

applicant 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 applicant - **Manubhai Vajabhai Nakum**, is 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) with one surety of the like amount subject to the following conditions.

(a) The applicant 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 him from disclosing such facts to the Court or to any police officer;

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

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

(e) shall remain present before the trial Court regularly;

(f) Shall mark his 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;

(g) Shall at the time of execution of bail-bond, furnish the address of residence with authentic proof & mobile number of the applicant as well as his surety to the investigating officer and to the Court concerned and in case of change of any address, he shall inform his 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)**
4th Additional Sessions Judge,
Place: Bhavnagar Bhavnagar.
Unique ID Code No.GJ00996
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