

GJBN010011422026



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Decided on : 24.03.2026
Duration : DD MM YY
14 - 00 - 00

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

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Criminal Misc. Application No.455 of 2026.
=====

EXH.NO -

Applicant. : Alfajbhai Hanifbhai Kalva,

Age : 19 years, Occu : Labour work,

Residing at : Vadva Kachhiyavad, Madhiyafali,
Bhavnagar.

(Presently all in Judicial Custody at District Jail,
Bhavnagar)

Vs.

Opponent. : The state of Gujarat.

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**Application for Regular bail under Section 483 of the
B.N.S.S. Act.**
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APPEARANCE:

Ld. Advocate for the applicant. : Mr. B.K.Vaghela.
Learned D.G.P. for the State. : Mr. M.R.Joshi.

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

[1.0] This application is filed by the applicant under Section 483 of B.N.S.S. Act for regular bail in connection with F.I.R. registered as **C.R.No.11198001260075/2026** with **Nilambaug Police Station, Bhavnagar** for the offence punishable under **sections 8(4), 10 of Gujarat Animal Preservation Act, 2017.**

[2.0] It is stated by the applicant that, the applicant has been arrested by the police in connection of the afore-stated offence on 21.02.2026 and was produced before the trial Court on 21.02.2026 and Id.trial Court has sent him in judicial custody on 23.02.2026 after completion of remand period and since then the applicant is in judicial custody hence, the present application has been filed under Section 483 of B.N.S.S. Act

[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] Learned Advocate for the applicant has submits that the applicant has no connection with the alleged offence and that he has been falsely implicated with the present offence. He has further submitted that the applicant is doing labour work and he is 19 years old. It is further submitted that in this case, all the muddamal were already recovered. It is further argued that the applicant has been arrested in connection with this offence as

statement of co-accused and solely on the basis of suspicion. It has also been submitted by the Ld. Advocate for the applicant that 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 resident of the addresses given in the cause title and has a family to support and are 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 - Usmanbhai Jamalbhai Kalva, he has granted bail in CrMA No.384/2026 by this Court on 09.03.2026, therefore, this application of similar situated applicant may also be allowed on the ground of parity.

[5.0] On the other hand, learned D.G.P. appearing for the opponent-state has opposed the bail application and as per the averments of the affidavit filed by the IO, further submits that the applicants alongwith other accused has committed the alleged serious offence. It is further submitted that the applicant has not produced any permit for the same, therefore, presumption of intention of 'gaumas' is selling which is clearly made out. Further, it is submitted that in this case, investigation is going on and other accused is still to be arrested. Therefore, he requested that

considering the nature of offence and the severity and quantum of the punishment, the intention of the legislature to amend this Act as well as the fact that offences of present nature have an adverse impact on the society, the present bail 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 the 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 in this case the muddamal have been recovered by the police and in this case, the investigation against the applicant is almost over and the custodial interrogation of the applicant is not required in this matter. Further, it will take time to conclude the trial. Further the applicant is aged about 19 years.

[7.1] Further, here in this case the applicant pleads parity on the basis of bail granted to co-accused Usmanbhai Jamalbhai Kalva, who has been enlarged on regular bail in CrMA No.384/2026 by this Court on 09.03.2026. 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.

[7.2] Further, considering the role of the applicant, quantum of punishment and the fact that the is permanent resident of address given in the cause title of the application and there is no chance that the applicant will flee away from the trial and therefore, 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.

[7.3] 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 viz. **Alfajbhai Hanifbhai Kalva**, is hereby ordered to release on bail in connection with the offence registered before **Nilambaug Police Station, Bhavnagar** vide **C.R.No.11198001260075/2026**, for the offence punishable under **Sections 8(4), 10 of Gujarat Animal Preservation Act, 2017.**, 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/her 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 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;

(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 24th day of March, 2026.

Date: 24.03.2026

Place: Bhavnagar

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(JIGNESH GIRISHBHAI DAMODRA)

4th Additional Sessions Judge,
Bhavnagar.

Unique ID Code No.GJ00996