

GJCU080005262026



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Exh. 08

**IN THE COURT OF ADDITIONAL SESSIONS JUDGE &
 SPECIAL JUDGE (ELECTRICITY)
 CHHOTAUDEPUR AT BODELI**

Criminal Misc. Application No. 217 of 2026.

Applicant : Mohmadjaved Mohmadsajid Vora
Age:- 32 Years, Occupation:- Service,
 Residing at Navapura Leaze, Lions Hospital,
 Ta. Sankheda, District-Chhotaudepur.

Vs.

Opponent : State of Gujarat.

Application u/s. 483 of B.N.S.S. for Regular bail.

APPEARANCE :

Ld. Advocate for the applicant. : Mr. A. M. Taherwala
 Ld. A.P.P. for the State. : Mr. J. B. Purani

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

1. The present application is preferred by the applicant-accused under section **483 of the Bharatiya Nagarik Suraksha Sanhita-2023** for releasing them on regular bail in connection with the **FIR being No. 11184009260039/2026** registered with **Sankheda Police Station** for the offenses punishable under **Section 136(1)(a) of the Indian Electricity Act, 2003.**
2. Succinctly stated, the facts of the case, as emerging from the F.I.R., are that on 11.01.2026, during the intervening period between

10.01.2026 at about 20:00 hours and 11.01.2026 at about 10:15 hours, some unknown persons committed theft of aluminum electric wires belonging to MGVCL from the 11 KV feeder line situated on Indral-Valpur Road, which supplies 24 hour domestic electricity to the village. The accused persons cut and removed three aluminum wires over a total length of 1650 meters, valued at approximately Rs.1,97,000/-. In total, 08 wires were cut and broken using some tool at different points in the agricultural fields through which the power line was passing. Further, on 11.01.2026 at about 02:20 hours, the co-accused Umeshbhai and Jagdishbhai Ratilalbhai alias Lalabhai Tadvī were apprehended while travelling in a Bolero pick-up vehicle, with 11 bundles of stolen aluminum electric wires, which were stolen from the Moje Gola Gamdi Canal area. During the course of investigation, it was revealed that the present applicant-accused had purchased the stolen muddamal from the co-accused persons and actively facilitated the commission of the offence. On the basis of the said offence registered against the accused, it is further pertinent to note that the present applicant-accused & co-accused came to be arrested in connection with the present offence on 29.06.2026, and were sent to Chhotaudepur Sub-Jail. The present applicant-accused preferred a regular bail application before the learned Court, which, after hearing both sides and considering the material on record, came to be rejected. Hence, the present bail application has been filed before this Court seeking their release on regular bail in connection with the said offence.

3. Upon service of Notice to the Opponent-State, Ld. A.P.P. Mr. J. B. Purani remained present and the Investigating Officer has filed affidavit vide Exh. 06 and submitted that looking to the nature and gravity of the offence, this application be rejected.

4. The Learned Counsel for the applicant–accused respectfully submits that the applicant is innocent and has been falsely implicated in the alleged offence. It is submitted that neither of the applicant has committed any act as alleged in the F.I.R., and his name do not figure in the original F.I.R., which clearly indicates that his implication is based merely on suspicion and subsequent assumptions drawn during the course of investigation. The applicant was arrested and send to custody despite his cooperation with the investigation. It is submitted that the investigation is substantially over and that no further custodial interrogation of either applicant is required. It is further submitted that in offences punishable with imprisonment up to three years. The applicant is permanent residents of the local area, have deep roots in society, and own movable and immovable properties. There is no likelihood of either applicant absconding or fleeing from justice. The applicant further undertake that, if released on bail, he shall not tamper with the prosecution evidence, influence or threaten any witnesses, or obstruct the course of justice in any manner. It is submitted that the trial in the present case is likely to take considerable time, and continued incarceration of the applicant would amount to pre-trial punishment, which is impermissible in law. The object of bail is to secure the presence of the accused during trial and not to punish him before conviction. In view of the aforesaid facts and circumstances, the Ld. Counsel respectfully submits that the applicant deserve to be enlarged on regular bail, in the interest of justice.
5. The Ld. Additional Public Prosecutor, appearing on behalf of the State, vehemently opposed the present bail application and argued as per the affidavit at Exh. 07 filed by the IO and prayed before this court that the present bail application be rejected.

6. Now, before adverting to the emergence of the factual matrix from the record of the case, it is worthwhile to comprehend the factors governing the grant or rejection of the bail. While granting bail, the Court has to keep in mind the nature of accusations, the nature of evidence in support thereof, the severity of the punishment which conviction will entail, the character of the accused, circumstances which are peculiar to the accused, reasonable possibility of securing the presence of the accused at the trial, reasonable apprehension of the witnesses being tampered with, larger interests of the public/State and other similar considerations.
7. I have heard the Ld. counsel for the applicant–accused as well as the Ld. Additional Public Prosecutor for the State and have carefully perused the F.I.R., the affidavit filed by the Investigating Officer at Exh.-07, and the overall material placed on record. From the record, it prima facie emerges that the role attributed to the present applicant–accused is limited that the present applicant accused had purchased the said stolen muddamal from the co-accused persons and the muddamal was recovered from the godown owned by the applicant.
8. It further emerges from the record that the recovery of the muddamal has already been completed, and as on date, all accused has been arrested. As per the police papers, a substantial part of the investigation has already been completed. No application has been filed by the prosecution seeking further custodial interrogation of either of the present applicant. The alleged offence is punishable under Section 136(1)(a) of the Electricity Act, 2003, which prescribes a maximum punishment of three years' imprisonment, and does not attract punishment of life imprisonment or death penalty.

9. So far as the criminal antecedents are concerned, it is noted that applicant–accused has one past criminal antecedent; however, the said antecedent is not of a grave nature and, by itself, do not justify continued incarceration in the present case. Furthermore, the applicant is permanent resident of the local area, has deep roots in society, and there is nothing on record to indicate that he is likely to abscond, tamper with evidence, or influence prosecution witnesses. The apprehensions expressed by the prosecution are general in nature and can be sufficiently addressed by imposing strict and appropriate conditions.
10. In view of the above, and having regard to the limited role attributed to the applicant, completion of recovery of muddamal, absence of any further requirement of custodial interrogation, and the maximum punishment prescribed, the present application deserves to be allowed. Hence, the following order is passed:-

: ORDER :

1. This Criminal Misc. (Reg. Bail) Application No. **217/2026**, is hereby **allowed**.
2. The applicant–accused, namely **Mohmadjaved Mohmadsajid Vora** resident of the address shown in the cause title, shall be released on regular bail upon **furnishing a personal bond of Rs. 50,000/- (Rupees Fifty Thousand Only) with two sureties** of the like amount, in connection with FIR No.**11184009260039/2026** registered with **Sankheda** Police Station, subject to the following conditions:

I. The applicant–accused shall mark his personal presence before the concerned Police Station twice in a month, once between the 1st and 15th and once between the 16th and 30th/31st of every month, between 11:00 a.m. and 6:00

p.m., for a period of one year.

- II. The applicant–accused after filling of the charge sheet before the concerned court, shall remain present before the learned Trial Court on all dates of hearing, unless specifically exempted by the Court.*
- III. The applicant–accused shall not take undue advantage of the liberty granted to them or abuse such liberty, and shall not indulge in any illegal activity.*
- IV. The applicant–accused shall not act in a manner injurious to the interest of the prosecution.*
- V. The applicant–accused shall not tamper with the evidence or attempt to influence any witnesses connected with the case.*
- VI. The applicant–accused shall furnish his present as well as permanent address to the Investigating Officer and to the Court at the time of execution of the bond, and shall immediately inform the Ld. Trial Court in case of any change of address.*
- VII. The applicant–accused shall not leave the territory of District Chhotaudepur till the filling of the charge sheet without prior permission of the learned Trial Court.*
- VIII. The applicant–accused shall furnish their contact numbers/mobile numbers to the concerned Police Inspector.*
- IX. The applicant–accused shall surrender his passport, if any, to the concerned Court forthwith; and if he do not possess passport, he shall file affidavit stating the same.*
- X. The applicant–accused shall file a detailed affidavit disclosing*

his movable and immovable properties at the time of executing the bail bond before the Ld. Trial Court.

XI. *In case of breach of any of the above conditions by any of the applicant–accused, the learned A.P.P. shall be at liberty to move an appropriate application for cancellation of bail.*

3. Bail is to be given before the concerned Court.

4. Copy of this order to be furnished before the concerned Police Station as well as Jail Authority, Chhotaudepur.

Pronounced and signed today on this 8th Day of July, 2026.

Date : 08/07/2026.
Place: Bodeli.

V N Tadvi Eng Steno.

[S. P. Shankar]
UIC No. GJ01601
Addl. District & Sessions Judge,
Chhotaudepur at Bodeli.