

Filed On	02.03.2026		
Registered On	02.03.2026		
Decided On	12.03.2026		
Duration	DYS	MTS	YRS
	10	00	00



सत्यमेव जयते

**IN THE COURT OF THE SESSIONS JUDGE OF DAHOD
AT DAHOD**

Criminal Misc. Application No.217/2026

Exh.5

APPLICANT :-	Age (Years)	Occu- pation	Resident
Sanjaybhai Revanbhai Hathhila	28	Agriculture	Parthampur, Dholi Danti Gadi Faliyu, Tal.Jhalod, Dist.Dahod. At present Tal. Govind Guru Limdi.

Versus

OPPONENT :- The State of Gujarat, Gandhinagar.
(Summons through the Public
Prosecutor, Dahod.)

APPEARANCES :

Mr. A. R. Chauhan, Learned Advocate for Applicant

Mr. J. K. Chauhan, Learned Addl. P. P. for the State

Subject :- Application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita 2023 for Regular Bail.

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

- (1) Applicant Sanjaybhai Revanbhai Hathhila has filed the present application seeking regular bail u/Sec.483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (herein after referred to as 'the B. N. S. S.' in short) in connection with F. I. R. registered with **Limdi Police Station Part-A C. R. No.11821033250115/2025** for the offences punishable under Sections 103(1), 115(2), 54 of the Bharatiya Nyaya Sanhita ('the B. N. S.' in short herein).
- (2) It is pertinent to note that Sessions Case No.43/2025 is going on against the applicant/accused before this Court wherein it is alleged against the applicant that due to old grudge, the applicant quarreled with the complainant and beaten him with stick and he inflicted 'dhariya' blows on head and left hand of the deceased whereby the deceased received serious injuries and died.
- (3) Learned Advocate Mr. A. R. Chauhan argued that, the present applicant has not committed the alleged offence and he is innocent. Chargesheet is already filed before the Court and Sessions Case under No.43/2025 is going on against the applicant before this Court. The applicant is in jail since more than one year. Chargesheet Papers do not show prima-facie the intention of murder on the part of the

applicant and the evidence is to the effect that the deceased due to intervening, received injury. So, no death punishment or life imprisonment will likely to impose upon the applicant. It is submitted that, looking to the complaint, at the time of incident, the complainant and deceased had gone to the house of the accused, so the incident was accidental in nature and occurred without any premeditation. It is submitted that, accused Revanbhai Bhimabhai Hathhila has been enlarged on bail by the Hon'ble High Court of Gujarat and on the ground of rule of parity, the applicant deserves to be enlarged on bail. It is accordingly urged to release the applicant on bail.

- (4) Per contra, learned Addl. P. P. Mr. J. K. Chauhan on behalf of the State has argued that there is clear allegation that the applicant has inflicted 'dhariya' blow on the head of deceased and caused death of the deceased. Medical Papers also corroborate the injuries to the deceased. Strong prima-facie case is made out against the applicant and for that, Sessions Case is going on against the applicant before this Court. It is argued that looking to the nature of allegation against the applicant, no parity will be applicable to the applicant. Therefore, it is submitted that the bail application filed by the applicant may be dismissed.
- (5) I have heard the learned Advocates of both sides and perused the chargesheet papers as well as affidavit filed by

the Investigating Officer. Upon perusal of the case papers, it prima-facie appears that on the day of incident, the applicant Sanjaybhai due to old grudge quarreled with the complainant and beaten him with stick; thereafter, he called accused Revanbhai Bhimabhai Hathhila, meantime, deceased Chimanbhai and other witnesses also arrived at that place and a heated altercation and quarrel took place wherein applicant Sanjaybhai tried to inflict 'dhariya' blow on the complainant, at that time, deceased Chimanbhai intervened, hence, applicant Sanjaybhai inflicted 'dhariya' blows on the head and left hand of Chimanbhai whereby he sustained serious injuries and died. It prima-facie appears that accused Revanbhai caused stick injury to witness Ravikantbhai and also beat the complainant and witness Piyushbhai.

- (6) Considering the facts of chargesheet papers, it prima-facie appears that the applicant has inflicted 'dhariya' blow on the head of deceased and caused his death, which is supported by the Medical Papers available in case papers. Prima-facie case is made out against the applicant for the alleged offence. Having considered the role of the present applicant and the role of the accused Revanbhai Hathhila, the allegation against the present applicant is more serious than the accused, who is already released on bail by the Hon'ble High Court. So, according to the considered opinion of this Court, principle of parity is not applicable to the present applicant.

(7) Sessions Case No.45/2023 is going on against the applicant at the stage of recording of evidence of prosecution witnesses. According to the opinion of this Court, at the evidentiary stage, the contention that the incident occurred accidentally without any premeditation, cannot be sustained. The allegation against the applicant is of grave nature and death penalty or life imprisonment has been prescribed for the alleged offence. In view of the above facts and circumstances, more particularly, the role of the applicant, this Court is not inclined to enlarge the applicant/accused on bail. Hence, following order is passed.

-: ORDER :-

1. The bail application filed by applicant-accused **Sanjaybhai Revanbhai Hathhila** under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with **Limdi Police Station Part-A C. R.No.11821033250115/2025** for the offences punishable under Sections 103(1), 115(2), 54 of the Bharatiya Nyaya Sanhita is hereby rejected.
2. PDF Copy of the order be sent to the concerned Jail Authority through email to furnish a copy of the order to the applicant-accused.

Signed and pronounced in the open Court on this 12th Day of March, 2026.

Dt.12.03.2026
Place : Dahod

(Harishchandra Gulabsinh Vaghela)
Sessions Judge,
Dahod.
(Code No.GJ00590)