

-: JUDGMENT :-

- (1) Applicant Shahrukh Chhotabhai Mohamadhanif Kureshi has filed the present application seeking regular bail u/Sec.483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with F. I. R. registered with **Dahod Town 'A' Division Police Station Part-A C. R. No. 11821011260372/2026** for the offences punishable under Sections 189(2), 191(2), 189(4), 190, 281, 115(2), 125(a), 296(b), 351(3), 324(5), 310(2) of the Bharatiya Nyaya Sanhita ('the B. N. S.' in short herein), Section 135 of the G. P. Act and Section 11(1)(a), 11(1)(d), 11(1)(e), 11(1)(f), 11(1)(h) of the Prevention of Cruelty to Animals Act.
- (2) Learned Advocate Mr. M. A. Shaikh for the applicant has argued that, the applicant is innocent and he has not committed the offence alleged in the F. I. R. He is not caught by police from the place of incident and he has been falsely implicated as accused afterwards during investigation. He has further argued that in the complaint, general allegations are made and no specific role has been attributed to any of the present applicant. He has submitted that the complainant failed in his duty to inform police when he received secret information regarding carrying of cows in Bolero Car and the complainant & other witnesses took the law in hands and without any authority, tried to intercept Bolero Car, which is legally not permissible. The applicant is a local resident and will be available during the course of investigation and trial. It is further submitted

that other accused persons have been enlarged on regular bail by this Court. It is accordingly urged to release the applicant on bail.

- (3) Per contra, learned I/c. P. P. Mr. A. K. Parikh on behalf of the State has opposed the bail application and he has relied on the affidavit filed by the Investigating Officer and investigation papers of this offence and submitted that, the name of applicant is on the surface of the F. I. R. as accused and the applicant and other accused persons have abused and caused injuries to the complainant & witnesses. He has submitted that the present applicant in abetment of other co-accused, has tried to disturb the peace and tranquility of Dahod by indulging in such activity of attacking upon 'Gaurakshaks', so, strict view is required to be taken. He has further argued that two mobile phones came to be looted and witnesses have named the accused as Abdulrajak Aabdulhai Dokila, who has looted the mobile phones. He has argued that in the assault, two persons got injuries and there is medical evidence to vouch for the same. The applicant has previous criminal history since he is involved in 06 likewise offences registered with different police stations. Investigation is going on and other accused are yet to be arrested. He has urged the Court to dismiss the bail application considering the nature and gravity of the offence.
- (4) I have heard the learned Advocate for the applicant and the learned P. P. for the State and have perused the affidavit

filed by the Investigating Officer as well as investigation papers of this offence. The brief facts revealed from the FIR and Investigation Papers are that, the complainant got secret information that a Bolero Car with the definite number is loaded with cows and upon receiving such secret information, the complainant side kept watch for Bolero Car and upon the Bolero Car approaching, the complainant side tried to stop the car but the car did not stop and fled towards Dahod, so the complainant side chased the Bolero Pickup vehicle in Scorpio and on motorcycle and they reached Patni Chawk of Dahod where the driver and cleaner of Bolero Pickup abandoned the vehicle and ran away. The complainant side searched the Bolero Pickup and when they tried to take it away, altercation took place with the accused and the incident as alleged occurred.

- (5) Upon considering the papers of investigation, it transpires that the incident of fight with free hands between the complainant side and accused side had taken place. It also transpires that, in Bolero Vehicle, buffaloes were kept without making any arrangement for water and fodder. On perusal of the investigation papers, it prima-facie appears that, the applicant is named in the F. I. R. but no specific role of the present applicant is ascribed in the F. I. R. Further, on perusal of the entire investigation papers, prima-facie, the applicant does not appear to have involved in the alleged act of loot. No mobile phone has been recovered from the applicant and the allegation regarding

loot of mobile phones is not substantiated by the evidence on record. The applicant is in jail since 04.03.2026. Considering the police papers, the investigation appears to have been almost completed. Other accused persons named in the F. I. R. have been enlarged on bail by this Court in Cr. M. A. No.241/2026, Cr. M. A. No.244/2026, Cr. M. A. No.248/2026, Cr. M. A. No.252/2026 and Cr. M. A. No.266/2026.

- (6) Considering the affidavit of Investigating Officer & investigation papers and the role of the present applicant and having considered the principles laid down by the Honourable Supreme Court in the case of **Sanjay Chandra Vs. C. B. I. (Supra)** and in the case of **Satender Kumar Antil V/s. CBI (Supra)**, this Court deems it fit & appropriate to enlarge the applicant on bail with stringent conditions. Accordingly, following order ensues.

∴ ORDER ∴

1. The bail application filed by applicant **Shahrukh Chhotabhai Mohamadhanif Kureshi** under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with **Dahod Town 'A' Division Police Station Part-A C. R.No.11821011260372/2026** for the offences punishable under Sections 189(2), 191(2), 189(4), 190, 281, 115(2), 125(a), 296(b), 351(3), 324(5), 310(2) of the Bharatiya Nyaya Sanhita, 2023, Section 135 of the G. P. Act and Section 11(1)(a), 11(1)(d), 11(1)(e), 11(1)(f), 11(1)(h) of the Prevention of Cruelty to Animals Act is hereby **allowed**.

2. The applicant - accused is hereby ordered to be released on regular bail on furnishing a surety of Rs.15,000/- (Rupees Fifteen Thousand only) and personal bond of like amount on following conditions.

Conditions :-

- (A) The applicant shall not hamper or tamper with the prosecution evidence and witnesses;
 - (B) The applicant shall mark his presence before **Dahod Town 'A' Division Police Station** on every 1st Day of each English calendar month between 11.00 a.m. to 2.00 p.m. once in a month till filing of charge-sheet;
 - (C) The applicant shall remain present as and when called by the Investigating Officer for investigation purpose and shall cooperate in investigation;
 - (D) The applicant shall not leave the territory of India without prior permission of the Court;
 - (E) The applicant shall surrender his passport with the Trial Court within seven days from the date of this order. If he does not possess passport, then he shall file affidavit to that effect;
 - (F) The applicant shall produce the proof of his permanent residence at the time of furnishing the bail bond and shall not change his address without prior permission of the Court.
3. Bail bond be executed before the Court of the learned C. J. M., Dahod.
 4. Yadi be sent to the concerned Court and police station accordingly.

5. 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 01st Day of April, 2026.

Dt.01.04.2026
Place : Dahod

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

DSS, EA