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सत्यमेव जयते

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

Criminal Misc. Application No.273/2026
Exh.5

APPLICANT :-	Age	Occupation	Resident
	(Years)		
Abdulrajak Abdulbhai @ Abdulrahim Sattarbhai Dokila	39	Agriculture/ Labour	At Mota Ghanchi- Wad, Near Jumma Masjid, Dahod, Tal. & Dist. Dahod.

Versus

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

APPEARANCES :

Mr. S. V. Malek, Learned Advocate for Applicant
Mr. A. K. Parikh, Learned I/c. P. P. for the State

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

-: JUDGMENT :-

- (1) Applicant Abdulrajak Abdulbhai @ Abdulrahim Sattarbhai Dokila 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. S. V. Malek for the applicant has argued that, the applicant is falsely implicated as accused in this offence and he is totally innocent. The name of applicant is given as accused No.3 in the F. I. R. but no role of the applicant has been narrated in the F. I. R. he involved vehicle does not belong to the applicant and no cow were found in the involved vehicle. Though no evidence is found regarding loot of mobile phone, with a view to implicate the present applicant in grave and serious offence, Section 310(2) of the B. N. S. came to be added. He has further submitted that other accused persons named in the FIR have been enlarged on regular bail by this Court. No death penalty or life imprisonment is prescribed as punishment for the alleged offence. No muddamal as looted has been recovered from the present applicant.

Lastly, it is submitted that considering the ratio laid down by the Honourable Supreme Court in the case of **Maulana Mohammed Amir Rashadi Vs. State of Uttar Pradesh & Another** reported in (2012) 2 Supreme Court Cases 382, the applicant may be enlarged 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 No.3 and the applicant and other accused persons have abused and caused injuries to the complainant & witnesses. He has submitted that, during the investigation, it is found that the applicant has snatched away the mobile phone from witness Hiral Kanthariya. So, Section 310(2) of the B. N. S. has been added in this offence. The applicant has actively participated in the offence and in abetment of other co-accused, the applicant 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 argued that in the assault, two persons got injuries and there is medical evidence to vouch for the same. It is further submitted that, the applicant has previous criminal history and is habitual offender of committing likewise offences. He is involved in as many as 21 offences registered with different police stations of the Gujarat State. Investigation is going on and other accused persons are yet to be arrested. He has urged

the Court to dismiss the bail application considering the nature & gravity of the offence and antecedents as narrated in the affidavit of Investigating Officer.

- (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. Further, 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 and in Bolero Vehicle, buffaloes were kept without making any arrangement for water and fodder.
- (5) On perusal of the investigation papers, more particularly, the statement of witness Hiral Kanthariya is to the effect

that the applicant was instigating other accused persons during the incident and he snatched away the mobile phone from him. The name of the applicant is on the surface of the F. I. R. as accused No.3 and he appears to have played specific role in loot of mobile phone and during the incident. Moreover, as stated by the Investigating Officer, the applicant is involved in total 21 offences of similar nature and he prima-facie appears to be having criminal conduct. In the case of **Maulana Mohammed Amir Rashadi (Supra)** referred by the learned Advocate on behalf of the applicant, the applicant was a sitting Member of Parliament facing several criminal cases, which is not the case herein this bail application. According to the considered opinion of this Court, the cited case is not applicable to the present applicant. Moreover, as stated in the affidavit, investigation is still going on and some of the accused persons are absconding and have not been apprehended yet. So, release of applicant on bail at this stage may adversely affect to the investigation against other accused persons who are currently beyond the reach of police. Although other accused persons have been enlarged on regular bail by this Court but considering the role of the present applicant, involvement of applicant in so many offences, out of which, the applicant is convicted in one offence and sentenced to suffer two years imprisonment and considering the stage of investigation, according to the considered opinion of this Court, it is not helpful to the present accused at this stage.

- (6) Considering the above facts and circumstances, role of the present applicant in commission of offence & extensive antecedents, at this stage, this Court does not deem it fit and appropriate to enlarge the applicant on bail. Hence, following order is passed.

-: ORDER :-

1. The bail application filed by applicant **Abdulrajak Abdulbhai @ Abdulrahim Sattarbhai Dokila** 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 **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 01st Day of April, 2026.

Dt.01.04.2026
Place : Dahod

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