

IN THE COURT OF THE SESSIONS JUDGE

AT : GANDHINAGAR

CRIMINAL MISC. APPLICATION NO. 835 OF 2026

Exh.: 8

Applicant :

1. Shaikh Mohammad Arif Hanifbhai
Age : 35, Occupation : Labour,
Resident of : G-5, Sankalit Nagar,
Vejalpur, Ahmedabad - 380051.

Versus

Opponent :

1. State of Gujarat

Appearance :

Mr. A.M.Multani: Learned Advocate for the applicant

Mr. A.V.Trivedi : Learned Special PP for the opponent-State

J U D G E M E N T

- [1] The present application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, is filed by the applicant, seeking regular bail in connection with FIR bearing C.R. No.11216001260163 of 2026 registered with Adalaj Police Station, for the offence under Section 303(2), 62 and 54 of The Bharatiya Nyaya Sanhita, 2023, Section 11(1)(A)(D) of the Prevention of Cruelty to Animals Act, 1960 and Section 6, 8(3), 8(4) and 10 of the Gujarat Animal Preservation Act, 1954.

Sessions Judge
Gandhinagar

- [2] The case of the prosecution, in nutshell, is that the accused have made theft of cows from herd of cows and taken them into creta car and shifted brutally them to one place to another for the purpose of slaughter rather than abattoir, thereby, committed the offence.
- [3] The notice was issued to other side. Learned Special PP Mr.A.V.Trivedi has appeared before the court. The I.O. has submitted objections vide Ex.5.
- [4] At the time of arguments, learned advocate for the applicant has submitted that the applicant is innocent, and falsely involved in the case. Applicant is living with his family and sole bread winner in the family, so, there is no chance of flee away from the justice. Applicant is permanent resident at the address mentioned in the cause title. Applicant is in judicial custody and if he is not enlarged on bail, himself and his family have to suffer a lot. As per the principle of law "Bail is the rule, jail is the exception" Co-accused are released on bail vide CRMA No.790 of 2026, dated 22.05.2026 and vide CRMA No.809 of 2026, dated 26.05.2026, therefore, present applicant may be released on the ground of parity also. The applicant is ready and willing to abide by any conditions to be imposed upon him. Learned advocate for the applicant has prayed to allow the application. In

support of his submissions, learned advocate for the applicant has relied on the following judgment :

1. Sanjay Chandra versus CBI, reported in 2012(2) GLH 93

[5] While opposing the bail application, it is contended by learned Special PP that there is *prima facie* case against the applicant. One accused is yet to be arrested and applicant has known them. There are two other offences registered against the present applicant. If the applicant would be enlarged on bail, there would be problem of law and order. If the applicant would be released on bail, he will tamper with the evidence and threaten the witnesses and there will be no deterrent effect on the society. So, the application is required to be rejected.

[6] After considering rival submissions and judgment cited at the bar, this court has considered that the applicant was arrested on 21.05.2026 and produced before the trial court on 22.05.2026, wherein, remand was asked but not granted and thereafter, he was sent to judicial custody, since then he is in jail. The punishment for the offence is not life imprisonment or death penalty. It is pertinent to note that co-accused Sabri s/o Mohammad Husain Kureshi was released on regular bail by this court by passing order dated 22.05.2026 in CRMA No.790 of 2026 and co-accused Mohammad Uvesh Alias Honda s/o

Akbarbhai Shaikh was released on regular bail by this Court by passing order dated 26.05.2026 in CRMA No.809 of 2026. Therefore, after going through the citation filed by the applicant and considering maximum punishment prescribed for the offence, and considering the facts of the case, nature of allegations and role attributed to the accused, I am of the view that the application is required to be allowed. Hence, following order is passed:

ORDER

The application under Section 483 of The Bharatiya Nagrik Suraksha Sanhita filed by the applicant in connection with FIR bearing C.R. No. 11216001260163 of 2026 registered with Adalaj Police Station, hereby stands allowed with following conditions:-

CONDITIONS :-

- 1] The applicant namely Shaikh Mohammad Arif Hanifbhai shall furnish fresh personal bond of Rs.20,000/- (Rupees Twenty Thousand only) with his recent self-attested photograph and one surety to the satisfaction of the Trial Court;
- 2] The applicant shall give co-operation to the Investigating Agency and shall keep himself present as and when he is required by the Investigating Agency for interrogation or investigation purposes;
- 3] The applicant shall not give any threat, inducement or any coercion to the prosecution witnesses or any other person who is directly or indirectly with the case;

Sessions Judge
Gandhinagar

- 4] The applicant shall not leave the territory of Gujarat State, without prior permission of the Court, till filing of charge-sheet and after filing of charge-sheet, the applicant shall not leave the territory of India, without prior permission of the Court, till trial is over;
- 5] The applicant shall mark his presence in the concerned police station between 1st to 5th Day of every English Calendar Month, till the charge-sheet is filed;
- 6] The applicant shall regularly remain present during the trial and co-operate the Honourable Court to complete the trial for the above offence;
- 7] The applicant shall surrender his passport, if any, to the Investigating Officer of concerned Police Station and, if he do not possess any passport, then he shall file affidavit to that effect, before the Investigating Officer;
- 8] The applicant shall furnish address of his residence, and mobile number at the time of execution of the bond, and shall not change the residence, and the mobile number without prior permission of this Court, till trial is over;

If breach of any of the above conditions is committed, the bail would be cancelled automatically.

Signed and Pronounced in open Court on 1st day of June, 2026.

Date : 01.06.2026
Place: Gandhinagar

[ASHISH J.S. MALHOTRA]
GJ01504
SESSIONS JUDGE
GANDHINAGAR

/pbs Shah/

Sessions Judge
Gandhinagar