


GJJM010009462026  11202046260249 CRMA S/324/2026	 सत्यमेव जयते	Filed on	:	10/03/2026		
		Registered on	:	10/03/2026		
		Decided on	:	17/03/2026		
		Duration	:	Years	Months	Days
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**BEFORE THE HON'BLE 3rd ADDL. SESSIONS JUDGE
AT JAMNAGAR**

Criminal Misc. Application No. : 324/2026

Exh. :- 8

Applicant / Accused	JAYDIP GIRDHARBHAI TALA Age : 33 Years, Occupation : Business
	Resi. at : Ranjit Sagar Road, Eva Park-2, Street No.7, Behind Sunrise School, Jamangar.
	Currently in Judicial Custody in District Jail, Jamnagar
Versus	
Opponent	STATE OF GUJARAT Through : THE Ld. PUBLIC PROSECUTOR District Court Building, Jamnagar.

Police Station	Pankoshi 'B' Division Police Station, Jamnagar
F.I.R. No. : I-CR	11202046260249/2026
Trial Court	Hon'ble Sessions Court, Jamnagar
Offence	Sec. 105 & 117(2) of B.N.S. (S.304 & 325 of I.P.C.)

APPEARANCE :-

Ld. Advocate for the Applicant / Accused	Mr. P. M. Buch
Ld. Public Prosecutor for State	Mr. J. K. Bhanderi

REGULAR BAIL APPLICATION
UNDER SECTION 483 OF B.N.S.S.
(U/SEC. 439 OF Cr.P.C.)

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

- (1). The Applicant has preferred the present application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (U/s. Section 439 of the Criminal Procedure Code, 1973), for releasing him on regular bail for the alleged offence mentioned above. The application was registered and notice was issued. On service of the process, the Ld. P.P. for the Opponent-State had appeared and objected the application.
- (2). I have heard the Ld. Advocate Mr. P. M. Buch for Applicant / Accused and the Ld. A.P.P. J. K. Bhanderi for Opponent-State, at length. I have considered the facts and circumstances of case on record, grounds stated in regular bail application, affidavit of I.O. at Exh.-6 and papers of investigation.
- (3). The Ld. Advocate for Accused has humbly submitted that the alleged offences are triable by the Sessions Court and punishable upto life and Applicant was arrested on dated 04/03/2026 and since then he is in judicial custody and looking the fact of present case and age of Accused and dependency of his family, it is requested to kindly grant bail. The Ld. Advocate for Accused has further humbly submitted that if bail is not granted, then it will amount to

Pre-Trial Punishment.

- (4). The Ld. Advocate for Accused has further humbly submitted that the Applicant / Accused is an innocent person and he has been falsely implicated with such alleged offence and no case is made out against present Accused. It is further submitted that the Applicant gives assurance to abide and comply all conditions, which may be imposed by the Court, if he is permitted to enjoy his fundamental right of liberty. Therefore, the Ld. Advocate for Accused has respectfully prayed to release the Accused on regular bail by imposing suitable conditions.
- (5). As against the said argument of the Ld. Advocate for the Accused, the Ld. Public Prosecutor has vehemently argued that offences is having sentence of life imprisonment.
- (6). The Ld. Public Prosecutor has strongly opposed the bail application. The Ld. Public Prosecutor has submitted that from the record, a strong case is made out against present Applicant / Accused. It is further submitted that if Applicant is released on bail, there is possibility to tamper with the evidences and influence / threat the witnesses and investigation is still going on at very preliminary stage and therefore, he has prayed to dismiss the present bail application. As against that argument, the Ld. Advocate for the Accused has stated that Accused will co-operate in the investigation and will not threat / influence any witness. It is submitted that the said

apprehension of the Ld. Public Prosecutor could be well protected by imposing appropriate condition.

- (7). If we go through the allegation made in F.I.R., then the husband of the complainant, her brother-in-law and mother-in-law had gone to celebrate the birthday of the complainant's daughter at the factory and the complainant had eloped with his brother-in-law year ago for marrying with him and owing to which the complainant and her husband were having dispute and they started quarreling with each other in the factory. Meanwhile, the workers living in the factory had interfered between the complainant and her husband and said not to quarrel, but the husband and brother-in-law of the complainant started quarreling with the workers living there. Therefore, the workers called the owner of the factory (accused) and the accused came and tried to persuade the complainant's husband and brother-in-law not to quarrel. But, they did not understand, so the accused (owner of the factory) asked the complainant's husband to leave the factory and he pulled complainant's husband's hand and pushed him down from the stairs and the complainant's husband injured on the back of the head and thereby the Accused has committed an afore mentioned offence.

- (8). It is stated by the Ld. Advocate for the Accused that Accused will be readily available at the time of trial and will not jump the bail and if Accused is not granted bail, it will be pre-trial punishment. I have considered the ratio laid down in a decision in case of **'SIDDHARAM**

1 **SIDDHARAM SATLINGAPPA MHETRE Vs. STATE OF MAHARASHTRA : 2011(1) G.L.H. 11**

SATLINGAPPA MHETRE Vs. STATE OF MAHARASHTRA ²**SANJAY CHANDRA Vs. CBI** and in case of ³**BHAGIRATH SINH S/o. MAHIPAT SINGH JUDEJA Vs. STATE OF GUJARAT** of the Hon'ble Supreme Court of India and the ratio laid down in a decision in case of ⁴**RAKESH PRAHLADRAM JOSHI & ORS. Vs. STATE OF GUJARAT** of the Hon'ble Gujarat High Court. I have also considered the ratio laid down in a decision in case of ⁵**BHAVESH ARVIND PATEL Vs. STATE OF GUJARAT** of the Hon'ble Gujarat High Court.

- (9). The Applicant / Accused is about 33 years. The Applicant / Accused have no past history of offence. The offence is punishable for life imprisonment and triable by this Session Court. There seems no intention to commit alleged offence / mense rea and it has happened accidentally while trying to calm the husband & brother-in-law of the complaint and stopping from quarreling in his factory. Whether it is an offence under Section 304 or 304A is made out, is a matter of investigation. There seems no prima-facie intention of the Accused to commit the alleged offence, but it may be accidental even as the Accused was trying to get the dispute between the Complainant and her husband / deceased and her brother-in-law, settled. The Applicant is a business man. Considering facts & circumstances, it is just and proper to

2 **SANJAY CHANDRA Vs. CBI : 2012(1) GLH 93 (SC) = (2012) 1 SCC 40 = Cr.A. 2178/11, D/- 23/11/11**
3 **BHAGIRATH SINH S/o. MAHIPAT SINGH JUDEJA Vs. STATE OF GUJARAT**
: AIR 1984 SC 372 = 1984 SCR (1) 839 = Cr.A. 658/83, D/- 21/11/83
4 **RAKESH PRAHLADRAM JOSHI & ORS. Vs. STATE OF GUJARAT**
: Cr.M.A. No. 4597-11, D/- 12/05/11
5 **BHAVESH ARVIND PATEL Vs. STATE OF GUJARAT**
: Cr.M.A. No. 17812/2020, D/- 10/12/2020

grant bail. These are peculiar facts, which had appealed this Court to invoke the power under Section 483 of Bharatiya Nagarik Suraksha Sanhita as it is not fit case to put the Accused behind the bar.

- (10). It seems that his family / children are dependent on him and is resident of this State as stated by the Ld. Advocate for the Accused and if bail is not granted, it seems that his family may have to see the days of hardship and may be compelled by situation to divert on illegal path. At the stage of bail, generally it is to be seen whether Accused will face the trial or not and he should not be denied bail if readily available at trial by taking proper surety or else it will amount to pre-trial punishment and the Ld. Advocate for the Accused prayed to apply, in present case, the ratio laid down by the Hon'ble Supreme Court in case of **'STATE OF RAJASTHAN Vs. BALCHAND** wherein held that **bail is the rule and committal to jail an exception** and further observed that **refusal of bail is a restriction on the personal liberty of the individual guaranteed under Article 21 of the Constitution of India.** Considering the facts & circumstances of the case on hand, the bail application deserves to be allowed with appropriate terms and conditions. In the humble opinion of this Court, if following order will be passed, then it will be in the interest of justice. Hence, I pass following order to meet with the end of justice :

-:: ORDER ::-

- The Regular Bail Application under Section 483 of B.N.S.S. of Applicant / Accused is allowed.
- The Applicant / Accused – JAYDIP GIRDHARBHAI TALA is granted regular bail and he shall be released on bail on furnishing surety of Rs. 25,000/- (Rupees Twenty Five Thousands only) and on executing personal bond of like amount by Accused in connection with above stated alleged offence, subject to the following conditions :
 - The Accused shall mark his presence on 10th of each month, between 10:00 Hours to 18:00 Hours before the concerned Police Station, till filing of charge-sheet or 90 days from today, whichever is earlier.
 - The Accused shall furnish his address and mobile number to I.O. and Hon'ble Trial Court, within 7 days of his release and he shall not change it without permission of the Hon'ble Trial Court.
 - The Accused shall surrender his passport, if any, within 7 days of his release. If Accused is not holding any passport, then he shall file affidavit to that effect.

- The Accused shall not leave the Country without prior permission of Trial Court, till conclusion of trial.
- The Accused shall not directly or indirectly make any inducement, threat or promise to any witness or person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court.
- The Accused shall not directly or indirectly tamper with evidence.
- The Accused shall not indulge himself in any of the similar offence and the Accused shall maintain law and order.
- The Accused shall co-operate in investigation and then in conducting trial and shall remain present during trial on dates and whenever he is unable to attend the court due to unavoidable circumstances, he shall remain present through his advocate, without fail.
- The Hon'ble Trial Court is at liberty to take appropriate action against the Accused, including taking Accused in custody, if he commit such offence again or breach any of the above said condition and it can delete, alter or add any of the condition of bail.

- **Bail Bonds shall be furnished before the concerned Hon'ble Magistrate.**
- It is **worthless to note that these observations and reasons are preliminary in nature only with a view to decide bail application and shall neither influence nor shall have binding effect to the Hon'ble Trial Court.**
- **Yadi, alongwith the Copy of this Order be sent to concerned Police Station and concerned Hon'ble Magistrate.**
- **Papers of investigation be returned back.**

Signed, pronounced and declared in the Open Court on this 17th day of March, 2026 at Jamnagar.

Date : 17/03/2026

Place : Jamnagar

/// AMS ///

(Rasikkumar V. Mandani)

3rd Addl. Sessions Judge

Jamnagar (Code : GJ00715)