

GJJM010009492026

11202002260262
CRMA S/327/2026

Filed on	:	11/03/2026		
Registered on	:	11/03/2026		
Decided on	:	17/03/2026		
Duration	:	Years	Months	Days
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BEFORE THE HON'BLE 3rd ADDL. SESSIONS JUDGE

AT JAMNAGAR
(DIST.-JAMNAGAR)

Criminal Misc. Application No. : 327/2026

Exh. :- 7

Applicant / Accused No. 3	MIT @ MITLO SUNILBHAI BARIYA Age : 19 Years, Occupation : Labour, Resi. at : Near Digjam Circle, Siddharthnagar, Jamangar. At Present in Judicial Custody.
Versus	
Opponent	STATE OF GUJARAT Through : THE Ld. PUBLIC PROSECUTOR, Jamnagar.

Police Station	Jamnagar City 'C' Division Police Station
F.I.R. No. :	11202002260262/2026
Offence	Section 309(3), 309(6), 351(3), 352 & 54 of B.N.S. (Section 390, 394, 506, 504 & 114 of I.P.C.) & Section 135 of G.P. Act.

APPEARANCE :-

Ld. Advocate for the Applicants / Accused	Mr. N. N. Jadeja
Ld. Public Prosecutor for State	Mr. J. K. Bhanderi

**APPLICATION FOR REGULAR BAIL
AFTER CHARGE-SHEET UNDER SEC.
483 OF B.N.S.S. (U/S. 439 OF Cr.P.C.).**

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

- (1). The Applicant has preferred the present application under 483 of The Bharatiya Nagarik Suraksha Sanhita, 2023 (U/S. 439 of the Criminal Procedure Code, 1973), after charge sheet for releasing him on regular bail in pursuance to 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 for Applicant / Accused and the Ld. P.P. for Opponent-State at great length. I have considered the facts and circumstances of case and documents on record, grounds stated in regular bail application, affidavit of I.O. at Exh.-6 and police papers.
- (3). The Ld. Advocate for Accused has humbly submitted that the Accused was arrested on dtd.17/02/2026 and the alleged offences are triable by the Hon'ble J.M.F.C. Court and is punishable of imprisonment of life or rigorous imprisonment extended upto 10 years. Since, dtd.18/02/2026, the accused was sent to the judicial custody. Looking the fact of present case and age of Applicant and dependency of his family, it is requested to kindly grant regular 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 the Accused has submitted that there is no name of the present applicant-accused in F.I.R. and only on presumption his name is given and he has not committed any crime. The Ld. Advocate for the Accused has further submitted that there is nothing remains to recover and discover in the offence from the Accused and the investigation is completed and charge sheet is filed. So, there is no requirement of present applicant-accused for investigation.
- (5). The Ld. Advocate for Accused has 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. It is further submitted that the Applicant / Accused is residing this State. Therefore, the Ld. Advocate for Accused has respectfully prayed to release the Accused on regular bail by imposing suitable conditions.
- (6). As against the said argument of the Ld. Advocate for the Accused, the Ld. Public Prosecutor has vehemently argued that offence is non-bailable and serious. As against that arguments, the Ld. Advocate for the Accused has stated that Accused is in custody and having responsibility to maintain his family. There is no chance of eloping anywhere and if that is so, the Court may put appropriate conditions.
- (7). 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 threat the witnesses though charge sheet is filed but it may also prolong the proceeding of trial and therefore, he has prayed to dismiss the present bail application. The Ld. Advocate for the Accused has stated that Accused will cooperate in the trial and will not threat / influence any witness.

- (8). The Ld. Advocate for the Accused has submitted that it cast doubt on the alleged case of prosecution and has relied on the decision delivered by the Hon'ble Supreme Court in case of 'RAM GOVIND UPADHYAY Vs. SUDARSHAN SINGH.
- (9). If we go through the allegations made in F.I.R./ Charge-sheet, then on dated 02/02/2026, the Complainant was going to the house of Manojbhai - Kadiya for some discussion regarding the masonry work for his house and when he reached near the Shivdhara Bakery, three unknown persons came and started beating him and snatched his wallet and taken out Rs.1800/- from it and ran away. Thereafter, he took his friends Sandeep and Parasbhai to the place of incident and when they reached Lilapith, those three unknown persons came again and started fight with the complainant and in the meantime, one of them took out a knife from the pocket and inflicted knife on the lower part of his right shoulder and beaten him with a stick, causing head injuries and then

threatened to kill him if he complains and fled from there and thereby the Accused have committed an offence mentioned above.

(10). There is past history of 1 criminal case. In a decision in case of ²**JEHANGIR MARZBAN PATEL Vs. STATE OF GUJARAT** before the Hon'ble Gujarat High Court, the Accused was alleged for about 14 offences and even then bail was granted. 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 ³**SIDDHARAM SATLINGAPPA MHETRE Vs. STATE OF MAHARASHTRA** and in case of ⁴**SANJAY CHANDRA Vs. CBI** of the Hon'ble Supreme Court of India and the ratio laid down in a decision in case of ⁵**RAKESH PRAHLADRAM JOSHI & ORS. Vs. STATE OF GUJARAT** of the Hon'ble Gujarat High Court.

(11). There is no name of present Applicant in F.I.R. The offence is triable by Hon'ble Magistrate Court and punishable of imprisonment of life or rigorous imprisonment extended upto 10 years. The allegation qua the Applicant / Accused is that they have looted Rs.1,800/- from the complainant. The Accused is in jail since dated 18/02/2026. The Muddamal is already recovered and charge-sheet is filed. It may take

2 ***JEHANGIR MARZBAN PATEL Vs. STATE OF GUJARAT : 2004 Cr.L.J. 1162***
3 ***SIDDHARAM SATLINGAPPA MHETRE Vs. STATE OF MAHARASHTRA : 2011(1) G.L.H. 11***
4 ***SANJAY CHANDRA Vs. CBI : 2012(1) GLH 93 (SC) = (2012) 1 SCC 40 = Cr.A. 2178/11, D/- 23/11/11***
5 ***RAKESH PRAHLADRAM JOSHI & ORS. Vs. STATE OF GUJARAT***
: Cr.M.A. No. 4597-11, D/- 12/05/11

considerable time to conclude trial and the presence of present Applicant is neither required now for investigation nor the question arises for threatening any witness or tampering with evidence, as charge-sheet is already filed. The Accused is in jail since long. The Applicant is very young just of 19 years. These are the peculiar facts which has appealed this Court to invoke the power under Section 483 of The Bharatiya Nagarik Suraksha Sanhita (U/s. 439 of Code of Criminal Procedure) as it is not fit case to put the Accused behind bar for indefinite period for concluding of trial. Under such circumstances, the present Applicants is entitled to get regular bail.

(12). It seems that Applicants' family is 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 **Rule of Bail and Not Jail** in present case.

(13). Order granting or refusing bail is not necessarily required to be speaking order as held by the Hon'ble Supreme Court in case of **6 JIVAJI JEDEJA & Ors. Vs. STATE OF MAHARASHTRA & Ors.** It is held by the Hon'ble

6 *JIVAJI JEDEJA & Ors. Vs. STATE OF MAHARASHTRA & Ors. : 1987 CrLJ 1850 : AIR 1987 SC 1491*

Supreme Court in case of ⁷STATE OF RAJASTHAN Vs. BALCHAND 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 regular 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 the end of justice :

-:: ORDER ::-

- **The Regular Bail Application under Section 483 of B.N.S.S. (U/s. 439 of Cr.P.C.) of Applicant / Accused is allowed and he shall be released immediately on bail, on furnishing surety of Rs.25,000/- (Rupees Twenty Five Thousands only) and on executing personal bond of like amount by said Accused in connection with above alleged offence, subject to the following conditions:**
- **The Accused shall mark their presence in concerned police station on every 10th of each month, for a period of 6 months.**

- The Accused shall regularly remain present in case against him on all it's dates unless in case of unavoidable circumstances.
- The Accused shall furnish his address, email address and mobile numbers 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 conducting trial and shall remain present during trial on all 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 into custody, if he commits such offence again or breach any of the

above said condition and will also be at liberty to add, delete or alter any condition of bail.

- Bail Bonds shall 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 of this Order be sent to concerned Hon'ble Magistrate Court and concerned Police Station forthwith for information, compliance and record.
- Papers of investigation be returned back.

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

Date : 17/03/2026

Place : Jamnagar

//A.M.S.//

(Rasikkumar V. Mandani)

3rd Addl. Sessions Judge

Jamnagar at Jamnagar. (Code : GJ00715)