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	Decided on	:	10/03/2026		
GJJN200000872026	Duration		Years	Months	Days
			0	0	11

**IN THE COURT OF 4th ADDITIONAL SESSIONS JUDGE,
VISA VADAR.**

Criminal Misc. Application No. 45/2026

Exh. :

Applicant: **Shaileshgiri Mohangiri Meghnathi**
Age: 56 years, Occupation: Lawyer,
Resident: Radhanagar,
Giranar Darvaja, Junagadh.

Versus

Opponent: **The State of Gujarat**
Notice through Government Pleader shree,
Visavadar.

Sub. : Regular Bail Application under section 483 of B.N.S.S.

Appearances:-

Ld. Adv. Mr. S.A.Shaikh for the Applicant.
Ld. A.G.P. Mr. V.N.Madhak for the Opponent.

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

1. This application is filed by the applicant under Section 483

of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short “BNSS”), seeking his release on regular bail. It is stated by the applicant that in Criminal Case No. 29/2022 arising out of Visavadar Police Station C.R. No. 86/2018 for the offences under Sections 406, 420 and 114 of the IPC, pending before the learned Judicial Magistrate First Class, Visavadar, he was earlier released on bail. On 18/10/2025 the applicant/accused remain absent in the court of the Ld. Trial Judge hence after rejection of his discharge application, a warrant came to be issued against him; upon learning about the warrant, the applicant voluntarily appeared before the court on 23/02/2026 and sought cancellation of the warrant by producing a medical certificate of his wife’s illness, but the learned Magistrate rejected the request and taken him in to the judicial custody and his bail application vide Criminal Misc. Application No. 31/2026 was also rejected on the same day.

2. The applicant further submits that he is an advocate by profession and engaged in property dealings, residing at Junagadh and occasionally at Ahmedabad/Gandhinagar due to his son’s medical studies and his wife’s treatment; he has always respected the court process and never intended to abscond, as

reflected by his voluntary appearance before the court, and as the alleged offences are not punishable with death or life imprisonment, he undertakes to comply with all conditions imposed by the court and therefore prays to release him on regular bail.

3. The notice was issued to the otherside. Ld.A.G.P. representing the State, has appeared before this Court, and filed the affidavit of Investigating Officer vide Exh.-5 to resist the application.

4. At the time of arguments, the learned advocate for the applicant–accused submitted that upon gaining knowledge of the warrant, the applicant voluntarily appeared before the learned trial court and prayed for cancellation of the warrant; however, the said application was rejected and his bail application was also rejected. It was further submitted that the Investigating Officer, in his affidavit at Exh.-5, has mentioned that six cases are registered against the applicant, whereas in fact seven cases have been registered against him, out of which he has been acquitted in five cases and the remaining two cases are pending; in one of the pending cases, the applicant has been regularly appearing before the learned court. It is also argued that the applicant was released

on bail in the year 2022, and since then he has remained present before the court and has never absconded, nor has he intended to delay the trial; otherwise, the trials in the other five cases could not have been concluded. Therefore, it was prayed that the present application be allowed.

5. The learned A.G.P. opposed the application and relied on the affidavit of the Investigating Officer at Exhibit-5. It is further argued that being a lawyer the applicant is well aware of the court proceedings and the learned trial court has gave clear reasons in the order rejecting the application for cancellation of the warrant and the bail application, which reflect the seriousness of the matter. Hence prayed to reject the present application.

6. I have heard the Ld.Advocate for the applicant/accused at length as well as Ld.A.G.P. for the State. I have also gone through the affidavit of Investigating Officer vide Exh.-5.

7. Upon perusal of the documents produced in the present case, it appears that the applicant–accused remained absent on several occasions during the trial and exemption applications were filed through his learned advocate. The record further indicates that despite clear directions issued by the learned Trial Court to remain present, the applicant chose to remain absent.

After rejection of his discharge application and issuance of a warrant against him, the applicant appeared before the learned Trial Court and sought cancellation of the warrant on the ground of illness of his wife, such as viral fever, low hemoglobin and weakness. Ld. Trial Court has rightly disallowed the said application of cancellation of warrant as none of the above said illness is major one that compelled the accused to remain absent in the court. Further from the Rojkam, it also transpires that the learned Trial Court had issued warrants along with a yadi in order to secure the presence of the accused. As observed by the learned Trial Court in the order passed in Criminal Misc. Application No. 31/2026, the accused had remained absent and continuously evading the proceedings for a considerable period and the accused remain present only after continuous efforts of the Ld. Trial Court. The behaviour of the accused was also noted by the Ld. Trial Court in the Rojkam of the case, which indicates that the conduct of the applicant shows negligence and misuse of the process of law.

8. However, considering the submissions made by the learned advocate for the applicant that the accused has voluntarily appeared before the court after learning about the warrant and

that he was earlier released on bail and has faced trial in other cases, this Court is of the view that one more opportunity can be granted to the applicant in the interest of justice. At the same time, his conduct cannot be ignored. Therefore, the present application deserves to be allowed subject to imposition of appropriate penalty, so as to ensure his regular presence before the learned Trial Court and to prevent any further delay in the proceedings.

9. In view of the above facts and circumstances, this Court is of the opinion that the discretion under Section 483 of the BNSS can be exercised in favour of the applicant by imposing penalty and suitable conditions to secure his presence during the trial.

-: O R D E R :-

1. The application, preferred by the applicant-accused, **Shaileshgiri Mohangiri Meghnathi** for regular bail under Section 483 of B.N.S.S. in connection with the offence registered with Visavadar Police Station vide Cr.Reg.No. 86/2018 (Criminal Case No. 29/2022) is hereby **allowed**.
2. The above applicant-accused is hereby ordered to be released on regular bail upon furnishing surety of **Rs.1,00,000/- (Rupees One Lakh only) i.e. two sureties of Rs.50,000/- each**, and he shall also **deposit a penalty of Rs.5,000/- before the learned Trial Court**, subject to the

following terms and conditions:—

1. The applicant shall not try to tamper or pressurize the prosecution witnesses or complainant in any manner;
2. The applicant shall fully cooperate with the trial and shall remain regularly present before the concerned Court on every date of hearing until the completion of the trial.
3. The applicant shall furnish his residential address and business address with authenticated proof before the learned Trial Court and shall not change the same without prior intimation of the Court. He shall also furnish his mobile number and Aadhaar card number before the learned Trial Court.;
4. The applicant shall not indulge in any criminal activity or commit any offence in the future.
5. The applicant shall not leave the territorial limits of Gujarat without the prior permission of the Ld. Trial Court;
6. If the applicant holds a passport, he shall surrender it before the learned Trial Court within 3 days of being released on bail. If he does not hold a passport, he shall file an affidavit to that effect before the learned Trial Court.
7. The applicant shall not take undue advantage of the liberty or abuse his liberty;
8. If breach of any of the above conditions is committed, Trial Court shall be at liberty to take appropriate action against the applicant.

9. The bail bond shall be furnished before the Ld. Trial Court.

Signed and pronounced in the open Court, today on this
10th day of March, 2026.

Date : 10/03/2026.
Place: Visavadar.

(Hetalkumar Vinodray Joshi)
4th Additional District &
Sessions Judge,
Visavadar.
[Code No:GJ00599]