

	Received on	:	02/03/2026		
	Registered on	:	02/03/2026		
	Decided on	:	09/03/2026		
GJJN200000902026	Duration		Years	Months	Days
			0	0	7

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

Criminal Misc. Application No. 47/2026

Exh. :

Applicant: **Jemalsing @ Jenu Saising Solanki**
Age: 21 years, Occupation: Casual Labour,
Resident: Chipakhadi, Sarpanch Faliya,
Tal. Pati, District Badvani, Madhya Pradesh.
At present : Central Prison, Junagadh.

Versus

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

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

(Bhesan Police Station Crime Registration No.
11203007250426/2025 under section 103(1) and 54 of the
B.N.S.,2023 and under section 135 of G.P.Act.)

Appearances:-

Ld. Adv. Mr. N.V.Shukla 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, as he was arrested on 23/10/2025 for the offence punishable under section 103(1) and 54 of the B.N.S.,2023 and under section 135 of G.P.Act. registered with Bhesan Police Station Crime Registration No. 11203007250426/2025 and since he has been in judicial custody for the said offence, hence the present application is filed for seeking regular bail. It is further stated that this is their his bail application, investigation of the present offence is concluded and chargesheet has been filed and also committed to the Sessions court hence, there is no possibility of tempering with the evidence, name of the applicant is not mentioned in the FIR, he is innocent and is falsely impleaded in the present offence, FIR has been lodged after 4 days of the incident without mentioning reasons thereof, there is no prima-facie case against the applicant accused and no muddamal was recovered in the present offence, trial will take long time and if the applicant is not enlarged on

bail then pretrial punishment cause to the applicant. Therefore, Ld. Advocate for the applicant has prayed to allow the present application.

2. The brief case of the prosecution, in a nut shell, is that causing death of complainant's sister by strangulation and by inflicting injuries on the face by the accused.

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.-6 in both applications to resist the application.

4. At the time of arguments, the learned advocate for the applicant/accused mainly argued as per application at Exh.1 and further argued that chargesheet is filed, this is first application after charge sheet, incident was happen on 19/10/25 and the complaint is lodged on 22/10/25 after 4 days, applicant's name is not mentioned in FIR, applicant has no relation with the deceased, he has been implicated on the basis of suspicion as they were working in the same farm with the main accused, Nanyabhai, and on the basis of a police confession, applicant had hold legs of the deceased, then such marks would have been reflected in the PM note, inquest panchnama, or medical papers;

however, no such marks are found, there are no blood stains, but only reddish marks. The Ld. Advocate applicant therefore prays to allow the present application.

5. The learned A.G.P. strongly opposed the application and relied on the affidavit of the Investigating Officer at Exhibit-6. It is submitted that the present accused himself informed that the victim had died and there were injuries on the mouth of the deceased, during police investigation, it has come out that a quarrel had taken place regarding preparation of food and that the accused had hold the legs of the deceased, in the discovery blood stains were found on the clothes shown by him, the place of incident has also been pointed out by the accused, the FSL report supports the case of the prosecution, the accused are residents of Madhya Pradesh and if released on bail, they may abscond and may also influence the witnesses. Hence, in view of the detailed contents mentioned in the affidavit, it is 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.-6 of both applications and also gone through the papers of the Investigation

carried out so far.

7. Considering the submissions made by both sides and the facts on record, and have carefully perused the record of the case, the FIR and the material placed before the Court.

8. Considering the submissions made by both sides and the material placed on record, this Court has carefully examined the allegations made in the First Information Report as well as the papers of the investigation. At the outset, it is required to be noted that the allegations made in the FIR disclose the commission of a serious offence. As per the case of the prosecution, the applicant had caught hold of the legs of the deceased during the incident, and blood stains were found on the clothes shown by him. In the present case, a copy of the F.S.L. Report has been produced by the learned A.G.P. Upon perusal of the said report, it appears that human blood stains were found on the clothes of the applicant–accused. Therefore, looking to the case papers along with the F.S.L. Report, the prima facie involvement of the applicant in the commission of the present offence appears to be established. The offence alleged against the applicant is grave in nature. It is also pertinent to note that the accused is a resident of the State of Madhya Pradesh. But that by

inself can not be the ground for rejection of bail. But considering the over all facts of the case this court is convinced with the submission of the I.O. that if he is released on bail, there is a possibility that he may abscond and evade the course of justice. Furthermore, there also appears to be a likelihood of the applicant tampering with the prosecution evidence or influencing and threatening the witnesses if released on bail.

9. Considering the gravity of the offence, the role attributed to the applicant and the material available on record, this Court is not inclined to exercise its discretionary powers in favour of the applicant at this stage. Hence, this Court is not inclined to grant bail to the applicant. Accordingly, the following final order is passed.

-: O R D E R :-

1. The application, preferred by the applicants-accused, **Jemalsing @ Jenu Saysing Solanki**, for regular bail under Section 483 of B.N.S.S. in connection with the offence registered with Bhesan Police Station Cr.Reg.No.11203007250426/2025 is hereby **rejected**.

Signed and pronounced in the open Court, today on this **9th day of March, 2026.**

Date : 09/03/2026.
Place: Visavadar.

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