

GJJN210005872026



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 Decided on: 10/07/2026
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IN THE COURT OF 2nd ADDITIONAL SESSIONS JUDGE,
 AT KESHOD, DIST. JUNAGADH.

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Ex.-07

Criminal Misc. Application No. 284 of 2026

Applicant/ Kalpeshbhai alias Kaliyo Bhikhabhai
accused person:- Vaghela,
 Aged: 36, Occupation: laborer,
 Religion: -,
 R/o. Agatrai, Tal. Keshod,
 Dist. Junagadh,
(At present : Judicial custody)

V E R S U S

Opponent:- THE STATE OF GUJARAT.

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Application U/s. 483 of B.N.S.S. 2023 for Regular Bail.

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APPEARANCE:

Ld. Advocate for the Applicant. : Mr. K.V.Chudasama.
 Ld. A.P.P. for the opponent State. : Mr. N.K.Purohit.

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

1. The present application is preferred by the applicant/accused person under section 483 of the B.N.S.S. 2023 for releasing him on regular bail in connection with Keshod Police Station vide Cri. Reg. No.11203030260415/2026 for the offences punishable

U/s.118(2) and 296(b) of the B.N.S. and u/s. 3(1)(r),3(1)(s),3(2)(5) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act and u/s. 135 of the G.P.Act.

2. I have heard oral arguments of the Learned Advocate for the applicant and Ld. P.P. for the opponent i.e. the State.
3. The Ld. Advocate for the applicant submitted that the applicant has not committed the alleged offence and has been falsely implicated in this matter. It is submitted that this is the applicant's first regular bail application and that he has been falsely arrayed in the case. The Ld. Advocate further contended that the complainant filed false complaint ; The learned Advocate for the Applicant submitted that the Applicant had neither used any caste-based abusive language against the Complainant nor inflicted any blows with an iron *Dhariyu* (a traditional iron weapon), that the allegations are entirely baseless. Furthermore, the applicant is a permanent resident of the address shown in the cause title and possesses both movable and immovable properties. It was argued that if bail is withheld, it would amount to pre-trial punishment. Relying on the established legal principle that "bail is the rule and jail is an exception," it was urged that the applicant ought to be enlarged on bail. The Ld. Advocate assured that the applicant will abide by any conditions that may be imposed while exercising judicial discretion in his favour and has urged to allow the bail application.

4. The Ld. A.P.P. vehemently objected to the grant of regular bail, submitting that there is a strong *prima facie* case against the applicant for committing the alleged offences. As per the prosecution's case, the Accused, despite being aware of the Complainant's Scheduled Caste identity, abuses caste-based against him in public. When the Complainant protested against the verbal abuse, the Accused assaulted him on the public road with an iron rod, inflicting bodily injuries upon him. Furthermore contended that looking to the serious nature of the offence and the active role attributed to the applicant, this Court ought not to exercise its judicial discretion in his favour. There is apprehension that if the applicant is enlarged on bail, he is likely to tamper with the evidence, threaten or influence the witnesses, or commit similar offences in the future. Accordingly, the Ld. A.P.P. urged that the bail application be rejected.

5. Investigation officer has filed an affidavit vide Exh.-05 and he has stated that, the applicant has committed offence punishable U/s. 118(2) and 296(b) of the B.N.S. and u/s. 3(1)(r),3(1)(s),3(2) (5) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act and u/s. 135 of the G.P.Act. He has also submitted that the applicant has played an active role in commission of offence. The I.O. has submitted that applicant may involve in similar offences if released on bail. Therefore, application for regular bail be rejected.

6. Considered the bail application and also considered the following points :

- (a) This is the first regular bail application filed by the applicant before this court.
- (b) The applicant is charged for the offence punishable u/s. 118(2) and 296(b) of the B.N.S. and u/s. 3(1)(r),3(1)(s),3(2)(5) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act and u/s. 135 of the G.P.Act.
- (c) The Victim suffered simple bodily injuries.
- (d) Applicant having no past antecedents.
- (e) Applicant is having a permanent address, so there is no apprehension to flee from trial
- (f) The trial shall take due course and the bail cannot be denied to impose pre-trial punishment
- (g) This court has also considered the law laid down by the Hon'ble Apex Court in ***Sanjay Chandra Vs. C.B.I. reported in (2012) 1, SCC Page No. 40.***

Taking into consideration the police papers, the affidavits filed by the Investigating Officer (I.O.) as well as the nature and gravity of the offense along with the quantum of maximum punishment prescribed under the law, this Court is of the considered view that keeping the Applicant/accused in prolonged custody would amount to pre-trial punishment. While the prosecution has alleged specific physical blows and caste-based abuses, these assertions are ultimately matters of evidence to be thoroughly prove during the course of the trial. Therefore,

without expressing any opinion on the final merits of the case, and keeping in view the established principle that 'bail is the rule and jail is an exception' and the apprehensions raised by the prosecution can be adequately safeguarded by imposing suitable conditions. Hence, I pass following order in interest of justice.

::: O R D E R :::

This Criminal Misc. (Reg. Bail) Application No.284 of 2026 stands **allowed**.

This application filed U/s. 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 from the applicant **Kalpeshbhai alias Kaliyo Bhikhabhai Vaghela** is hereby allowed and applicant is hereby ordered to be released on regular bail in **FIR No. 11203030260415 of 2026** registered with Keshod Police Station, Dist:-Junagadh alleging commission of the offences punishable u/s. 118(2) and 296(b) of the B.N.S. and u/s. 3(1)(r),3(1)(s),3(2) (5) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act and u/s. 135 of the G.P.Act. on furnishing personal bond of **Rs.15,000/-** (Rs. Fifteen Thousand Only) with one surety of like amount on following conditions :

- 1. Shall co-operate with the investigation and make himself available for interrogation whenever required by the investigating officer.*
- 2. Shall not tamper with evidence in any manner and shall co-operate in investigation nor shall directly or indirectly make any inducement or promise to any witness so as to dissuade them from disclosing such fact to the Court or to any police officer*
- 3. Shall not misuse the liberty given to him by this order.*
- 4. Shall at the time of execution of bond, furnish the address, mobile number (if any) and shall not change the residence till the final*

disposal of the case or till further order, without intimation to the trial court.

5. *Shall not leave State of Gujarat without the permission of this Court and if she is holding a passport, shall surrender the same before the Trial Court immediately.*
6. *Shall remain present during trial.*
7. *Bail bonds be executed before the concerned trial court.*

Necessary Yadi be sent as per this order.

Pronounced in open Court today, this **10th day of July, 2026.**

Date : 10/07/2026

Place : Keshod.

#PK

[Sanjay Dhruvakumar Pandey]

2nd Additional Sessions Judge,

At Keshod, Dist. Junagadh,

[UIC No. GJ-00579]