

**In the Court of Judicial Magistrate First Class,
Mahemdavad.**

Criminal Misc. Application No.: 31 / 2026
(Bail application filed U/s. 187 of the Bhartiya Nagrik Suraksha Sanhita, 2023
in connection with the F.I.R.No.: 11204041250418 of 2025 registered at
Mahemdavad Police Station)

Received On :	Registered On :	Decided On :	Duration :		
10 / 03 / 2026	10 / 03 / 2026	16 / 03 / 2026	Year	Month	Days
			-	-	06

Applicant / Accused:	Piyushbhai @ Dhaval Maheshbhai Patel, Aged : 42 years, Residing at : 43, Marutinandan bungalows, Taluka Visnagar, Dist.: Mahesana.
Versus	
Opponent :	The State of Gujarat

F.I.R. No. :	11204041250418 / 2025
Police Station :	Mahemdavad Police Station
Offence :	U/s. 318 (4), 54 of the Bharatiya Nyay Sanhita, 2023.

:: Order below the bail application filed U / s. 187 of the Bhartiya Nagrik Suraksha Sanhita, 2023 ::

(1) The present application is filed by the applicant / accused seeking default bail under Section 187 of the Bharatiya Nagrik Suraksha Sanhita, 2023 in connection with F.I.R.No.: 11204041250418 of 2025 registered at

Mahemdavad Police Station for the offences punishable under Sections 318(4) and 54 of the Bharatiya Nyaya Sanhita, 2023 (BNS).

(2) Heard Ld. Advocate for the applicant / accused and Ld. APP for the State and perused the report filed by the Investigating officer, record of the case and relevant papers are perused.

(3) From the record it appears that the applicant / accused was arrested in connection with the present offence and was produced before the Court on **19 / 11 / 2025**. Therefore, the statutory period prescribed for completion of investigation and filing of the charge-sheet as contemplated under **Section 187 of Bhartiya Nagarik Suraksha Sanhita, 2023** started running from the said date.

(4) The Ld. advocate for the applicant / accused has submitted that the investigation was not completed within the statutory period and the charge-sheet was not filed within the prescribed time. It is submitted that the present application seeking default bail was filed on **10 / 03 / 2026**, at which time the charge-sheet had not been filed. It is therefore contended that the applicant had acquired an indefeasible right to be released on statutory bail.

(5) The Ld. APP for the State submitted that the charge-sheet came to be filed on **11 / 03 / 2026** and requested the Court to pass necessary orders in accordance with law. The Investigating Officer has filed a report stating that the applicant / accused was arrested on **19 / 11 / 2025** and that a supplementary charge-sheet against the accused was filed online on **26 / 11 / 2026** and submitted to the Crime Writer of Mahemdavad Police Station.

(6) The legal position with regard to default bail is well settled. In the judgment of the Hon'ble Supreme Court in **Uday Mohanlal Acharya v. State of Maharashtra**, the Hon'ble Court has explained the scope of the right accrued to an accused under the provision corresponding to Section 187 of Bhartiya Nagarik Suraksha Sanhita, 2023. The Hon'ble Supreme Court has observed that:

“On the expiry of the said period of 90 days or 60 days, as the case may be, an indefeasible right accrues in favour of the accused for being released on bail on account of default by the investigating agency in completion of the investigation within the period prescribed and the accused is entitled to be released on bail if he is prepared to and does furnish bail.

(7) The Hon'ble Court has further clarified that once such right accrues to the accused and the accused files an application for bail expressing willingness to furnish bail, the subsequent filing of the charge-sheet would not defeat that right.

(8) In the present case, the accused was produced before the Court on 19 / 11 / 2025 and the present application seeking default bail came to be filed on 10 / 03 / 2026, when admittedly the charge-sheet had not been filed. The charge-sheet came to be filed only on 11 / 03 / 2026, i.e., after the filing of the present application. Even if the Investigating Officer claims it was uploaded earlier, the relevant date is the date of filing before the Court, not merely preparation or uploading.

(9) Therefore, the applicant had already exercised the right available under Section 187 of Bhartiya Nagarik Suraksha Sanhita, 2023 prior to filing of the charge-sheet. In view of the settled legal position laid down by the Hon'ble Supreme Court in the aforesaid judgment, the right of the accused to be released on statutory bail cannot be defeated by subsequent filing of the charge-sheet.

(10) Hence, this Court is of the opinion that the applicant / accused is entitled to be released on default bail and therefore, I pass the following order in the interest of justice.

:: Order ::

(1) The present application is **allowed**.

(2) The applicant / accused **Mr. Piyushbhai @ Dhaval Maheshbhai Patel, Aged : 42 years, Residing at : 43, Marutinandan bungalows, Taluka Visnagar, Dist.: Mahesanashall** be released on **default bail under Section 187 of the Bharatiya Nagarik Suraksha Sanhita, 2023**, in connection with the E.I.R.No.: 11204041250418 of 2025 registered at Mahemdavad Police Station for the offences punishable under Sections **318(4) and 54 of the Bharatiya Nyaya Sanhita, 2023**, on executing a **personal bond of Rs. 20,000/- with one surety of the like amount**, subject to the following conditions:

(I) The applicant shall not misuse the liberty granted by this Court.

(II) The applicant shall remain present before the Trial Court as and when directed.

(III) The applicant shall not directly or indirectly induce, threaten, or promise any witness acquainted with the facts of the case.

(IV) The applicant shall furnish his present residential address with his ID proof to the Investigating Officer and Before this Court and shall not change the same without prior permission of the Court.

Pronounced in the open Court on the **16th** day of **March, 2026**.

Date : 16 / 03 / 2026
Place : Mahemdavad

Devdutt V. Vyas
Judicial Magistrate First
Class, Mahemdavad.
(GJ 01659)