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|---------------|----|----|------|
| Received on   | 07 | 03 | 2026 |
| Registered on | 07 | 03 | 2026 |
| Decided on    | 13 | 03 | 2026 |
| Duration      | YY | MM | DD   |
|               | 00 | 00 | 06   |

**IN THE COURT OF 8<sup>th</sup> ADDITIONAL SESSIONS JUDGE,**  
**KACHCHH AT BHUJ**

**Criminal Misc. Application No. 322 of 2026.**

**Ex.08**

**Applicant/accused person :-**

**ABDUL JUMA NOTIYAR,**  
 Age ; 40, Occupation: Parking,  
 Residing at : Vatachhad,  
 Tal. Bhuj-Kachchh

At present in Judicial Custody,  
 At Palara Jail, Bhuj

V E R S U S

**Opponents:-**

THE STATE OF GUJARAT.

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Application U/s. 483 of BNSS for Regular Bail.

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**APPEARANCE:**

Ld. Advocate for the Applicant/accused : I.A.Sama,  
 Ld. A.P.P. for the opponent State : Mr. P.V.Vania

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

1. The applicant has preferred the present application seeking Regular bail U/s 483 of the Bhartiya Nagrik Suraksha

Sanhita (BNSS) in connection with F.I.R. bearing C.R.No. 11205043251396/2025 registered with Bhuj City “B” Division Police Station for the offences punishable under Sections 316(2), 318(4), 308(4), 351(2), 54, 111(3), 111(4), 61(2), 319(2) of Bhartiya Nayay Sanhita (BNS).

2. The notice was issued to the opponent and Ld. A.P.P. has appeared for opponent. The investigating officer has submitted his affidavit vide Exh. 7.

**Submission on behalf of Applicant-accused.**

3. Heard the Ld. Advocate for the accused-applicant. He contended that there is no *prima facie* evidence against accused person to book him in this case. It is submitted that the applicant is not named in FIR and he has not committed the cheating and he has been falsely booked. He further contended that, the applicant/accused was arrested on 04.03.2026 and since then he is in judicial custody. It is submitted that, the presence of accused person would be easily available at the time of trial. He further contended that the accused-applicant is ready to comply any conditions that may be imposed by your Honour court. It is submitted that, co-accused of the present offence, having grave role, has been enlarged on the bail by this Court and therefore, present applicant/accused should be released on bail by applying principle of parity. In view of all these submissions, it is prayed for allowing application for the bail.

**Submission on behalf of State.**

4. Heard the Ld. Addl. P. P. He has submitted that looking to the entire material on record there is a strong prima facie case against the accused person and the investigation is going on and certain material things are likely to be revealed during the investigation. It is submitted that the applicant is involved in the offence and he has played active role in the commission of the crime. The applicant/accused has past criminal antecedent and there are every chances that after his release, accused would indulge in these kinds of activities. On all these grounds, it is submitted that the present application may please be rejected.

**Settled Legal Position**

5. It is settled position of law that, while deciding bail application, two aspects in form of individual's liberty and social interest are required to be considered simultaneously. The object of bail is neither punitive nor preventive. The jurisdiction to grant or reject bail is to be exercised on the basis of well settled principles having regard to the circumstances of each case and not in arbitrary manner. It is also required to note that, at the time of deciding bail application Court is not required to appreciate and scrutinize the evidence in great detail, but Court is required to see prima facie case or involvement and relevant factors like nature of offence, manner in which the offence has been committed, role or contribution and other authentic circumstances are required to be considered.

**Appreciation**

6. I have heard the Learned Advocates appearing on behalf of the respective parties and perused the affidavit and case papers. Following aspects are considered for granting bail application :-

- I) The offence has taken place from 12.10.2025 to 02.11.2025 and FIR is registered on 12/11/2025.
- II) The applicant is in custody from 04/03/2026;
- III) Considered the version of the FIR and the Police Papers and the role attributed to the present applicant and the amount involved in the present offence;
- V) Further, considering the offence and the punishment prescribed, trial may take its own course; no fruitful purpose would be achieved by keeping in the present applicant in jail;
- VI) Five offences are registered against the present applicant/accused, wherein two offences cheating but Ld. APP has not submitted that the accused is found guilty in these cases.
- VIII) Considered ratio laid down by the Hon'ble Apex Court in the case of "Sanjay Chandra Vs. C.B.I., AIR 2012 SC 830" and "Satender Kumar Antil v. Central Bureau of Investigation & Another, AIR 2022(0) SC 3386" and also considering the circumstances of the present case as enumerated

above and the role attributed by the applicant-accused, discretionary powers of the Court is required to be exercised in favour of the Applicant/Accused with stringent conditions to secure their presence during the trial. Therefore, considering the allegation and maximum punishment for the alleged offence, this Court is inclined to pass following Order.

**:- ORDER :-**

- The Application under Section 483 of BNSS, for getting Regular Bail by the Applicant/Accused person “**ABDUL JUMA NOTIYAR**” is hereby “*Allowed*”.
- Present Applicant/Accused person is ordered to be released (enlarged) on bail in connection with Bhuj City “B” Division Police Station vide Cr. No. 11205043251396/2025 for having committed offences punishable under Sections 316(2),318(4),308(4),351(2), 54,111(3),111(4),61(2), 319(2) of the Bhartiya Nayay Sanhita (BNS), on executing **personal bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) and like amount of surety** subject to following conditions.
- **Conditions :-**  
**The Applicant/Accused person;**
  - (a) Shall not take undue advantage or misuse of his liberty.
  - (b) Shall not commit an offence similar to the offence nor take direct or indirect part in any such illegal act.
  - (c) Shall not directly or indirectly make any inducement, threat or promise/ to prosecution

witnesses or tamper with evidences.

- (d) Shall surrender his passport before this Court within a week after releasing on bail. If not having Passport, file separate affidavit to that effect.
- (e) Shall not leave the territory of India without permission of this Court.
- (f) Shall co-operate to the Investigation officer.
- (g) From the date of actual release from the custody, shall mark his presence between any date from 1st to 5th of every month between 11.00 to 14.00 pm in the concerned police station till SIX months.
- If the Applicant/Accused person is not in custody for any other offence than he shall be released on bail in connection with the present offence.

Bail before the Ld. CJM / Magistrate Court.

Yadi be sent to the concerned Police Station and Jail Authority for information and necessary action.

Signed and Pronounced in this open court on this 13<sup>th</sup> day of March, 2026.

Dt. 13/03/2026  
Bhuj-Kachchh

(Tushar N. Khandhadiya)  
8<sup>th</sup> Additional Sessions Judge,  
Kachchh at Bhuj,  
Code: GJ00953

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