



Exh. 9 /B

Received on 07.03.2026

Registered on 07.03.2026

Decided on 13.03.2026

Duration Y M Days  
- - 06

**IN THE COURT OF SESSION JUDGE & SPECIAL JUDGE**  
**(GCTOC ACT), KACHCHH AT BHUJ.**

**Crm. Misc. Application No.323/2026**

**Devang Dilipbhai Chavda**, Age 25,  
R/o. House No.21, Jamotri Society, Anjar.

(At present : in judicial custody)

....Applicant

**Vs.**

The State,  
Through Ld. Public Prosecutor,  
Bhuj – Kachchh.

.....Opponent

**Bail Application u/s.483 of the B.N.S.S.**

**A P P E A R A N C E :**

1. Ld. **Mr. G. S. Shekh** for the applicant.
2. Ld. **Spl. P.P. Mr. H. B. Jadeja** for the State.

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

1. Present applicant - accused has preferred the present application under Section 483 of the B.N.S.S., seeking regular bail in connection with an offence registered before Anjar Police Station, bearing Crime No.11993003260047/2026 for the offences punishable under Section 309(4), 118(1), 118(2), 115(2),

296(B), 324(4), 54 of the B.N.S. and Section 135 of the GP Act and Section 3(1)(2), 3(2) and 3(4) of the Gujarat Control of Terrorism and Organized Crime Act (hereinafter referred as "the GCTOC Act").

2. It is submitted by the Ld. Advocate Mr. G. S. Shekh on behalf of the applicant – accused, that applicant - accused is absolutely innocent and he has not committed any offence as alleged in the FIR, he has been falsely implicated in the offence. The applicant is in judicial custody since two months. In the affidavit of IO, the facts of the FIR are only stated and no other material facts are stated. He further submitted that there were business relations between the main accused and complainant. The complaint is made with specific name. There is no allegation of syndicate. Out of the five offences, in two offences the applicant – accused is acquitted. The applicant is a common man and he does not have any property. The offence alleged against the applicant does not fall under the purview of GCTOC Act. Prima facie, the offence under GCTOC Act is not attracted. The object of the Act is not to keep the applicant – accused in the custody. The applicant is not the member of crime syndicate. He further submitted that the charge-sheet is filed and this is the first ever bail application of the applicant. Hence, there is no requirement of the applicant in the investigation. No recovery or discovery is pending. He further submitted that the applicant is having deep roots and reputation in the society and, therefore, he may be released on regular bail. He also submitted that the bail is a rule and denial is exception. Since the above referred offences do not fall within the definition of “organised crime” read with definition of “continuing unlawful activities”, present applicant

may be released on bail. I have considered the ratio laid down in the following citations relied by the applicant, in view of the facts and circumstances of the present case (1) 2023 Law Suit (Guj) 2333, Yasin @ Bhuro Osmanbhai Kaida V. State of Gujarat, and R/CR. MA/12354/2025 Gujarat High Court, Jayesh Mansukhbhai Prajapati V. State of Gujarat.

3. *Per contra*, Ld. Spl. P.P. Mr. H. B. Jadeja and Mr. Sagar Sanbada, Dy.S.P. (I.O). submitted that there are 05 serious offences registered against the applicant. The applicant – accused has looted mobile phone from the complainant and assaulted with Knife. The applicant is the habitual offender. The applicant has given threat to the complainant and witnesses. He has further submitted that applicant with the help of other Two accused have formed the organised crime syndicate and committed various organised crimes and by doing this, they have continued the unlawful activity and, therefore, provisions contained under the GCTOC Act, are squarely applicable. He also submitted that the applicant and other co-accused formed organised syndicate and they have committed the offence of property and bodily injury and, therefore, applicant may not be released on bail. He also submitted that merely because the charge-sheet is filed there is no change in circumstances and the same is not a ground to grant regular bail to the applicant – accused. The applicant has criminal antecedents and as many as 05 offences are registered against the applicant before various police station and hence, there is prima facie case against the applicant, hence, the present bail application may not be granted.

4. If a continuing unlawful activities have been carried out within the precedent period of ten years from the date of the enactment of the GCTOC Act by an unorganized crime syndicate for which, more than one charge-sheets have been filed before a competent Court and cognizance thereof has been taken by the competent Court, then it amounts to an offence punishable under the GCTOC Act. Herein the present case, applicant *has committed 05 offences* which are punishable for more than 03 years and cognizance thereof has been taken by the competent Court. Thus there is *prima facie* evidence that the applicant is part of a crime syndicate.

5. At this stage, it is pertinent to note that bare perusal of the affidavit of the investigating officer, depicts that the present applicant has committed 05 offences registered, after the enactment of the GCTOC Act. Further, perusing the affidavit of I.O., charge-sheet is filed against the applicant which shows involvement of the applicant in the said offence.

6. In my opinion, the applicant is one of the member of the organized crime syndicate who has committed organized crime and such organized crime and unlawful activities have been committed by the applicant with the help of his syndicate members. Hence, if the applicant is enlarged on bail, there is all possibility that he will jump the bail and he will try to tamper with the evidence and prosecution witnesses. There is *prima facie* case against the applicant. Hence, in view of above, the ratio laid down in the above cited judgments is not helpful to the applicant. Therefore, the present case is not a fit case to exercise judicial discretion under Section 483 of the B.N.S.S. in favour of the

applicant. Hence, in view of the above referred discussion, I pass the following order.

**∴ ORDER ∴**

The present Criminal Miscellaneous Application No.323/2026 is hereby dismissed.

Pronounced and signed in the open Court on today 13<sup>th</sup> Day of March, 2026 at Bhuj.

Sd/-

**( Mahida Dilip P. )**  
Sessions Judge & Special Judge  
(GCTOC Act), Kachchh at Bhuj  
(Code : GJ00551).

/JPB/