

Received on	21	05	2026
Registered on	21	05	2026
Decided on	27	05	2026
Duration	YY	MM	DD
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**IN THE COURT OF 7th ADDITIONAL SESSIONS JUDGE,
KACHCHH AT BHUJ**

Criminal Misc. Application No. 668 of 2026

Ex.

Applicant/accused person :-

JAYDIPSINH DILIPSINH @ DILUBHA JADEJA,

Aged: 19, Occu. Labourer,

R/o. Viraniya, Tal. Mundra

Kachchh

At present in Judicial Custody,

Palara Jail, Palara- Bhuj-Kachchh

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 : Mr. D.K. Gadhavi

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. **11205047260248/2026** registered with Pragpar Police Station for the offences punishable under Sections 115(2),

118(1), 296(b), 351(2) of the Bhartiya Nyay Sanhita and under Section 3(1)(r), 3(1)(s), 3(2)(v-a) of the Schedule Castes and Schedule and Schedule Tribes (Prevention of Atrocities) Act, 1989.

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. 06 and prayed to reject the present application. Defacto complainant has remained present in person and have objected against the grant of bail.

Submission on behalf of Applicant-accused person.

3. Heard the learned advocate for the accused-applicant. He submitted that there is no prima facie case against the accused to sustain prosecution in this matter and the accused is falsely booked in this offence. It is submitted that the applicant is local resident and his presence would be available during the course of the trial. It is submitted that he would co-operate with the investigation and there is no any possibility of tempering with the evidence. It is submitted that the there is presumption of innocence and if the applicant is kept behind the bar the same would be a pre-trial punishment. The applicant will comply with any bail conditions and will remain readily available to the Court. In view of these submissions, it is prayed that the bail application be allowed.

Submission on behalf of State.

4. Heard the learned A.P.P. for the State. It is submitted that

the accused has inflicted the injury with iron stick and threatened the complainant and as such, there is prima facie case against the accused. The accused had committed the similar offence few months back and as such, there is every likelihood that he would repeat the offence and he would temper with the evidence. On these grounds, it is prayed that the present bail application 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 of regular bail application :-

- I) The FIR is registered on 06/05/2026.
- II) The applicant is in custody from 20/05/2026;
- III) Considered the version of the FIR and the Police Papers and the role attributed to the present applicant.
- IV) 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;
- V) Applicant has one criminal antecedent but it is not submitted that the applicant has convicted in any such case.
- VI) 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 Applicants/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.

7. In view of the foregoing discussions, powers under Section

483 of BNSS is required to be exercised in favour of the present Applicant/Accused. Hence, following order is passed;

:- ORDER :-

- The present Application under Section 483 of B. N. S. S. , for getting Regular Bail for the Applicant/Accused “JAYDIPSINH DILIPSINH @ DILUBHA JADEJA” is hereby “*Allowed*”.
- It is hereby ordered that, in the event of arrest of the Applicant/Accused in connection with the case registered C.R.No. **11205047260248/2026** registered with Pragpar Police Station for the offences punishable under Sections 115(2), 118(1), 296(b), 351(2) of the Bhartiya Nyay Sanhita and under Section 3(1)(r), 3(1)(s), 3(2)(v-a) of the Schedule Castes and Schedule and Schedule Tribes (Prevention of Atrocities) Act, 1989, the present Applicant/Accused be released on bail, on executing a Personal Bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with one surety of like amount to the satisfaction of the Investigating Officer, subject to the following conditions :

➤ **Conditions :-**

The Applicants/Accused persons;

- (a) Shall not take undue advantage or misuse of their 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 furnish the documentary proof of complete, correct and present address of residence to the Investigating Officer and to the Trial Court at the time of executing the bond and shall not change residence without prior permission of the trial Court.
- (e) Shall provide contact numbers as well as the contact numbers of the sureties before the Trial Court. In case of change in such numbers inform in writing immediately to the trial Court.
- (f) Shall not leave the territory of India without permission of this Court.
- (g) Shall co-operate to the Investigation officer.
- (h) 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 Applicants/Accused person is not in custody for any other offence than they shall be released on bail in connection with the present offence.

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 27th Day of May, 2026.

Dt. 27/05/2026

(Tushar N. Khandhadiya)
7th Additional Sessions Judge,
Kachchh at Bhuj
Judge Code: GJ00953

/VBJOSHI/