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**IN THE COURT OF 7th ADDITIONAL SESSIONS JUDGE,
KACHCHH AT BHUJ**

Criminal Misc. Application No. 671 of 2026.

Ex.06

Applicant/accused person :-

UMAR @ SHAKIL HUSSINBHAI @ KARA KATIYA,

Age : 23, Occu. Labourer,

Residing at Khari Rohar,

Gandhidham-Kachchh

At present in Judicial Custody,

At Special 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 : Ms. H.I. Shaikh

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. 11205044260223/2026 registered with Paddhar Police Station for the offences punishable under Sections 309(4), 296(B), 54 of B.N.S and Section 135 of G.P.Act. The

present Applicant/accused person was arrested on 18/5/2026 and since then he is in judicial custody.

- (2) I have perused Application of the Applicant/Accused person and Affidavit filed by an Investigation Officer along with case papers. Ld. A.P.P. has objected against the grant of this application.
- (3) Learned Advocate for the Applicant/Accused person has argued and submitted that, the Applicant/Accused person was arrested on 18/05/2026 and produced before the Ld. Additional Chief Judicial Magistrate, Bhuj -Kachchh and since then he is in Judicial Custody. It is submitted due to the political rivalry present FIR is lodged and the complaint is also late. No *prima-facie* offence is made out against the Applicant/Accused person. The name of the applicant is not mentioned in FIR and his namely is belated surfaced. It is submitted that there is no any direct evidence against the present accused. There are also no possibilities that the Applicant would flee from the hands of justice. The substantial investigation is over. The Applicant would abide by all the terms and conditions that may be imposed by the Court while granting him concession of bail. If, applicant/accused person is not granted bail, it would amount to pre-trial punishment. The Applicant/ Accused person is only breadwinner of his respective family. On the basis of these submissions, the learned counsel for the Applicant has prayed to grant regular bail to the Applicant/accused person.

- (4) Per contra, Learned A.P.P. Mr. P.V.Vania for the State has vehemently opposed bail application and strongly submitted that the Applicant/accused has played active role in commission of offence. It is submitted that, there are strong chances that Applicant will flee away from the hands of justice if granted Regular Bail and he would commit the similar crimes. The applicant is having nine offences in his name and including serious offences. The investigation is yet to be completed and muddamal is yet to be recovered. Learned APP has prayed for rejection of bail application by taking into consideration the nature of offence and its implication upon the society.
- (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.
- (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 FIR is registered on 11/04/2026
- II) The applicant is in custody from 18/05/2026;
- III) During the course of the investigation police custody remand of the applicant was allowed and further investigation is in progress.
- IV) Considered the version of the FIR and the Police Papers and the role attributed to the present applicant/accused person and amount involved in the present crime.
- 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) As per the affidavit, the applicant/accused is having criminal antecedent but it has not been submitted by the Ld. APP that the accused is convicted in any of those cases.
- VII) 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 and the role attributed by the applicant-accused person,

discretionary powers of the Court is required to be exercised in favour of the Applicant/Accused person. 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 **“UMAR @ SHAKIL HUSSINBHAI @ KARA KATIYA”** is hereby **“Allowed”**.
- Present Applicant /Accused is ordered to be released (enlarged) on bail in connection with C. R. No. I – 11205044260223/2026 of the Paddhar Police Station, Dist: Kachchh, alleging commission of the offence punishable under Section 309(4), 296(B), 54 of B.N.S. and Section 135 of G.P.Act, 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 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 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 29th day of May, 2026.

Dt. 29/05/2026

Bhuj-Kachchh

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

/Vaghela/