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

Criminal Misc. Application No. 673 of 2026.

Ex.08

Applicants/accused persons :-

- 1. BHIKHUBHA KARSANJI JADEJA,**
Aged: 50, Occu. Agriculturist
R/o. Nr. Derasar, Vanku,
Tal. Abdasa-Kachchh
- 2. MAYURSINH KIRITSINH JADEJA,**
Aged: 29, Occu. Agriculturist,
R/o. Darbarvas, Vanku,
Tal. Abdasa-Kachchh
(At present in 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 Applicants/accused : Mr. K.M.Dhuva
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 applicants have 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. 11205007260013/2026 registered with Jakhau Police Station for the offences punishable under Sections 305(A), 331(3), 331(4), 54 of B.N.S. The present Applicants/accused persons were arrested on 19/05/2026 and since then they are in judicial custody.

- (2) I have heard Ld. Advocate Mr. Dhuva on behalf of the Applicants/Accused persons and Ld. A.P.P. Mr. P.V.Vania on behalf of the Opponent/State.
- (3) I have perused Application of the Applicants/Accused persons and Affidavit filed by an Investigation Officer along with case papers. Ld. A.P.P. has objected against the grant of this application.
- (4) Learned Advocate Mr. K.M.Dhuva for the Applicants/Accused persons has argued and submitted that, the Applicants/Accused persons were arrested on 19/05/2026 and produced before the Ld. Judicial Magistrate First Class, Naliya -Kachchh and since then they are in Judicial Custody. No *prima-facie* offence is made out against the Applicants/Accused persons. The name of the applicants is not mentioned in FIR. It is submitted that there is no any direct evidence against the present accused persons. It is argued that, the alleged offence has took place on 26.02.2026 to 06.05.2026 whereas the FIR came to be lodged on 18.05.2026 i.e. almost after three months later. The Applicants would abide by all the terms and conditions

that may be imposed by the Court while granting them concession of bail. If, applicants/accused persons are not granted bail, it would amount to pre-trial punishment. It is submitted that, the offence is triable by Ld. J.M.F.C. On the basis of these submissions, the learned counsel for the Applicants has prayed to grant regular bail to the Applicants/accused persons.

- (5) Per contra, Learned A.P.P. Mr. P.V.Vania for the State has vehemently opposed bail application and strongly submitted that the Applicants/accused persons have played active role in commission of offence. It is submitted that, there are strong chances that Applicants will flee away from the hands of justice if granted Regular Bail and they would commit the similar crimes. The investigation is still going on and co-accused is yet to be arrested. Learned APP has prayed for rejection of bail application by taking into consideration the nature of offence and its implication upon the society.
- (6) 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.

(7) 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 18.05.2026 and offence has taken place from 26.02.2026 to 06.05.2026(After about three months)
- II) The applicants are in custody from 19/05/2026;
- III) During the course of the investigation police custody remand of the applicants was allowed. No further custodial interrogation of the applicants is sought for.
- IV) Considered the version of the FIR and the Police Papers and the role attributed to the present applicants/accused persons and amount involved in the 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 applicants in jail;
- VI) As per the affidavit, one offence is registered against the present applicants/accused persons but

Ld. APP has not submitted that the accused persons are found guilty in this case.

- 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 applicants-accused persons, discretionary powers of the Court is required to be exercised in favour of the Applicants/Accused persons. 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 Applicants/Accused persons “ **1. BHIKHUBHA KARSANJI JADEJA, 2. MAYURSINH KIRITSINH JADEJA** ” are hereby “*Allowed*”.
- Present Applicants /Accused persons are ordered to be released (enlarged) on bail in connection with C. R. No. I – 11205007260013/2026 of the Jakhau Police Station, Dist: Kachchh, alleging commission of the offence punishable under Section 305(A), 331(3), 331(4), 54 of B.N.S., on executing **personal bond of Rs. 25,000/- (Rupees Twenty Five Thousand Only) each and like amount of solvent surety** subject to 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 surrender passport before the Ld. Trial Court within a week after releasing on bail. If not having Passport, file separate affidavit to that effect.
- (g) Shall not leave the territory of India without permission of this Court.
- (h) Shall co-operate to the Investigation officer.
- (i) From the date of actual release from the custody, shall mark their presence between any date from 1st to 5th of every month between 11.00 to 14.00 pm in the concerned police station till THREE months.

If the Applicants/Accused persons are not in custody for any other offence than they 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 accordingly.

At the trial, the concerned trial court shall not be influenced by the *prima facie* observation made by this Court in the present order.

Signed and Pronounced in this open court on this 29th day of May of Year 2026.

Dt. 29/05/2026
Bhuj-Kachchh

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

/Vaghela/