

GJMR010005232026



Received on : 03/03/2026  
Registered on : 03/03/2026  
Decided on : 09/03/2026

Exh.

**IN THE COURT OF ADDITIONAL SESSIONS JUDGE,  
MORBI.**

**Cri.Misc.Appln.No.262/2026**

**Applicant :-**

**Rahul Nathulal Haluji Damor**

**Age: 24years, Occupation: Operator**

**Present Address:** At present residing near Rafleshwar,  
beside R. K. Enterprises, in the Labour Quarters of Gahe  
Mosaic Factory, Ta. & Dist. Morbi, Gujarat.

**Permanent Address:** Originally residing at Katevatil,  
Kherwada, District Udaipur, Rajasthan.

**Vs.**

**Opponent :-**

**THE STATE OF GUJARAT**

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**BEFORE SHRI K. R. PANDYA  
ADDITIONAL SESSIONS JUDGE, MORBI**

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**Appearance :**

Ld. Adv. Mr. L. R. Barhat for the applicant/accused.

Ld. A.P.P. Mr. N. D. Karia for the opponent - State.

Regular bail application U/s.483 of Bharatiya Nagarik Suraksha Sanhita.

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

- (1) Read the application. Heard L.A. Mr. L. R. Barhat for the applicant/accused and Ld. A.P.P., Mr. N. D. Karia for the opponent – State.
- (2) The present successive application is filed by the applicant/accused, U/s. 483 of B.N.S.S. to get release on regular bail, who is arrested in connection with the FIR registered before the Morbi Taluka Police Station vide CR No.11189005252309/2025, for the offences punishable U/Ss. 103(1), 238, 61(2), 3(5) of the Bharatiya Nagarik Suraksha, after filing of the charge-sheet.
- (3) The undisputed facts emerges from the record that present bail application is successive bail application, filed by the applicant/accused. Before this application, the present applicant/accused had preferred regular bail application bearing Cri. Misc. Application No.1392/2025 and same was rejected on merits by this Court. After filing of charge-sheet, again present regular bail application is filed U/s. 483 of B.N.S.S., to release applicant/accused on regular bail.

- (4) The brief facts of the prosecution case are that against the unknown person/s lodged complaint by the complainant stating that unknown person/s murdered an unknown woman aged about 45 to 40 years, in any way, at any place and thrown unknown lady dead body on the side of road, near the field's "Shedha" of Harakhajibhai Ambarambhai Kundariya on Morbi – Halvad road, opposite Biscoin factory and unknown lady body was burnt by unknown person/s and were trying to destroy evidence of alleged offence. By doing such acts, unknown persons/s has/have committed alleged offence. Hence, complaint was filed by the complainant against the unknown person/s. During investigation, name of the present applicant/accused is revealed and he was arrested on 18/11/2025 and produced before the Ld. Court on 19/11/2025, and I.O. had sought remand applicant, which was granted by the Court upto 22/11/2025 and after completion of remand period, applicant/accused has been sent to the Judicial Custody and since then he is in Judicial Custody. Hence, this present regular bail application is filed by the present applicant/accused for release him on regular bail.
- (4) The L.A. for the applicant/accused has argued before the Court that the applicant/accused is innocent and not committed any offence as alleged in FIR and name of the present applicant/accused not mentioned in the FIR, he

falsely arraign in the alleged offence and also applicant/accused was not present at the place of offence. He further submitted that bail application of the co-accused has been rejected by this Court. The applicant/accused has not committed any crime and there is no any direct evidence regarding the alleged offence. He further argued before the Court that present applicant/accused has not help for commission of alleged offence to other accused. He further argued before the Court investigation of the alleged offence is in progress. He further argued before the Court that applicant/accused is permanent resident of address shown in the cause title of the present application, and hence, he will remain present during trial. He further argued before the Court that applicant/accused is having moveable and immoveable property. He further argued before the Court that as per established principles of the Hon'ble Supreme Court that bail is rule and jail is exceptions. He further argued before the court that applicant/accused hails from good family and has deep roots in the society. The applicant/accused is ready to observe each and every conditions imposed by this Court. Hence, L.A. for the applicant/accused has prayed before this Court that the application of applicant/accused is requires to be granted.

- (5) The Ld. A.P.P., Mr. N. D. Karia has drawn the attention of this court towards FIR, affidavit and police papers and has strongly objected this application and has also argued before the court that present case falls within the definition of circumstantial evidence. He further argued before the Court that present applicant/accused is a friend of co-accused of alleged offence, whose bail application was rejected by this Court and applicant/accused has abetted for commission of alleged offence. He further drawn attention of this Court that considering police papers and affidavit of I.O., it is crystal clear that present applicant/accused and other two persons have strangled deceased and thereby deceased had been died and present applicant/accused and other accused have burnt dead body with petrol and try to destroy evidence against them, and hence, by doing such acts, applicant/accused has hatched criminal conspiracy. He further argued before the Court that, in view of the above facts, a *prima facie* case for the alleged offence is made out against the applicant/accused and the investigation in the matter has already been completed. Learned APP further submitted that a charge-sheet has already been filed in the present case, and the same reveals a *prima facie* case against the applicant/accused. Learned APP also contended that mere filing of the charge-sheet does not ipso facto entitle the

applicant/accused to be released on bail as a matter of right. As such there is active involvement of the present applicant/accused in the alleged offence and considering seriousness and gravity of the offence. Hence, Ld. Addl. P.P. has prayed before this Court that application of applicant/accused is requires to be dismissed.

- (6) Upon hearing submissions of both the sides and perusing material placed before the court, it is basic principle that entire evidence is not to be appreciated at the time of deciding bail application and bail order is discretionary relief and it is upto the court to consider factor like seriousness and gravity of the offence, involvement of the accused, availability of the accused during trial and the tampering with the evidence and witnesses, considering all the aspects including allegations levelled against the accused, the court has to decide the bail application.
- (7) Considering submissions of both the sides and perusing the police papers and affidavit of I.O., it appears that one innocent lady has lost her life in the incident and considering seriousness and gravity of the offence present applicant/accused and other accused have played active role for commission of alleged offence. Considering seriousness and gravity of the offence, earlier this Court has rejected regular bail application of present

applicant/accused vide Cri. Misc. Application No.1338/2025 as well as Cri. Misc. Application of co-accused vide Cri. Misc. Application No.1392/2025 of the alleged offence on merits. Considering principles laid down by the Hon'ble Supreme Court in the case of **Viru Prakash Gauda V/s. State of Karnataka, reported in AIR 2017 S.C. 1685**, wherein held that mere filing of charge-sheet cannot be treated as change of circumstances entitling accused to be released on bail in successive bail application. Earlier this Court has rejected regular bail application of the present applicant/accused and the L.A. for the applicant/accused has fairly admitted that there is no any other change of circumstances, after rejection of earlier bail application of the applicant/accused, except arguments advanced before the Court, and hence, without any further opinion this regular bail application is requires to be dismissed. Considering facts of the present case, the arguments advanced by the L.A. for the applicant/accused is not sustainable at this stage. Therefore, looking to the seriousness of offence and role played by the present applicant/accused the discretionary power vested to this Court U/s. 483 of B.N.S.S. cannot be used in favour of the present applicant/accused. Hence, the following order is passed in the interest of justice.

**ORDER**

The present bail application is hereby rejected on merits.

Signed and Pronounced today in open Court on this 9<sup>th</sup>  
day of March, 2026.

Place :- Morbi

Date :- 09/03/2026

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**(Kamal Rasiklal Pandya)**

Addl. Sessions Judge,  
Morbi

Judge Code GJ00739

