



GJMR010005362026



Received on : 05/03/2026  
Registered on : 05/03/2026  
Decided on : 10/03/2026

Exh. :

**IN THE COURT OF 2<sup>nd</sup> ADDITIONAL SESSIONS JUDGE,  
MORBI.**

**Cri. Misc. Appln. No.271/2026**

**Applicant :-**

**Kishan Mohanlal Gurjar**

Age- 26, Occupation – Business

Residing at – Deedvala, Pardi, Rajasmand, Rajasthan

**Vs.**

**Opponent :-**

THE STATE OF GUJARAT,  
THROUGH P. P., MORBI.

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**BEFORE SHRI M R NADPARA  
2<sup>nd</sup> ADDITIONAL SESSIONS JUDGE, MORBI.**

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**Advocates:-**

Mr. T. M. Baldha, Ld. Adv. for Applicant/Accused.

Mr. V. C. Jani, Ld. P. P. for Opponent/State.

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**-:: JUDGMENT ::-**

**[1]** The applicant has filed this application under Section 483

of the B.N.S.S., seeking regular bail in connection with the offence registered at Tankara Police Station, Morbi City, vide C.R. No. 11189006260165/2026, for the offences under Sections 303(2), 324(5) of the Bharatiya Nyaya Sanhita and Section 136 of the Indian Electricity (Amendment) Act on 03/03/2026..

- [2] The notice was issued to the other side. The Ld. A. P. P. Mr. V. C. Jani, has appeared on behalf of the State, filed affidavit of Investigating Officer vide Exh. 05 and resisted the present application.
- [3] The Ld. Advocate, Mr. Baldha, appearing for the applicant/accused, has argued before the Court that, the applicant/accused was arrested in this offence on 03/03/2026 and he is in custody since then. It is further submitted that, the applicant/accused has been falsely implicated in the alleged offence though, he is innocent, he has not committed the so called offence and he does not know anything about the so called offence then also, he has been implicated in this offence, wrongly. It is further submitted that, in the alleged offence there is no punishment upto life imprisonment or death penalty. It is further submitted that the applicant is a young businessman, a permanent resident of Rajkot, and has no criminal antecedents. The applicant is a respectable person having family responsibilities. The Learned Advocate for

the applicant has, therefore, humbly prayed to release the applicant on bail.

**(3.1)** It is further submitted that, the applicant/accused resides with his family at the address mentioned in the application and therefore, there is no likelihood of his running away from the trial. It is further submitted that applicant/accused is released on bail, he shall abide by all the conditions imposed by the Court. It is lastly prayed by the Ld. Advocate for the applicant/accused that, considering the above facts and circumstances of the matter, the present application may be allowed and the applicant may be released on regular bail.

- [4]** Learned A.P.P., Mr. V. C. Jani, appearing on behalf of the State, has strongly opposed the present bail application and has placed on record the affidavit of the Investigating Officer, marked at Exhibit-5, wherein it is contended that the applicant, along with other co-accused persons, has committed theft of the muddamal and has been apprehended, while other co-accused persons are still absconding and their complete details are yet to be ascertained. It is further submitted that only muddamal worth Rs. 3,23,750/- has been recovered from the scrap yard in possession of the applicant, and the remaining stolen property is yet to be recovered; therefore, if the applicant is released on bail,

the possibility of recovery of the remaining muddamal may be adversely affected. It is also contended that accused Nos. 02 to 04 are yet to be arrested and the applicant, if enlarged on bail, may assist the absconding accused in evading arrest or may indulge in similar offences again. The Learned Public Prosecutor further submitted that granting bail in such serious offences may send a wrong message in society and there is also a possibility that the applicant may not remain present before the Hon'ble Court during the course of trial. Hence, it is prayed that the bail application of the applicant be rejected.

- [5] Upon hearing the submissions advanced by the learned Advocates appearing for the respective parties and upon perusal of the police papers placed on record, it appears that the applicant-accused has been in judicial custody since 03/03/2026. The investigation carried out thus far indicates that the role attributed to the present applicant is a matter which requires to be duly examined during the course of trial. Considering the nature of allegations, the fact that the offences alleged are not punishable with death or imprisonment for life, the absence of any criminal antecedents of the applicant and the settled principle that bail is the rule and jail is an exception, this Court is of the view that the present application deserves to be allowed.

At this stage, a detailed appreciation of evidence is neither warranted nor permissible. In view of the above discussion and considering the overall facts and circumstances of the case, the present Regular Bail Application deserves to be allowed.

**-:: ORDER ::-**

- 1). The present Criminal Misc. Application No.271/2026, filed u/s. 483 of B.N.S.S., by the applicant, namely, **Kishan Mohanlal Gurjar**, hereby stands allowed and the applicant is ordered to be released on regular bail in connection with offence registered with Tankara Police Station, Morbi City, vide C.R. No. 11189006260165/2026, subject to the following conditions :-

**CONDITIONS :-**

- 1] The applicant shall furnish a bond of **Rs.50,000/- (Rupees Fifty Thousand Only)**, with his recent self-attested Photograph and one surety, to the satisfaction of the concerned Trial Court;
- 2] The applicant shall not give any threat, inducement or any coercion to the prosecution witnesses or any other person who is directly or indirectly involved with the case;
- 3] The applicant/accused shall mark his presence

before the concerned Police Station on 1<sup>st</sup> date of every English Calender Month in between 11.00 a.m. to 5.00 p.m. till the charge-sheet is filed by the police.

- 4] The applicant shall not leave India till the trial is over or till further orders, without permission of the Court;
- 5] The applicant shall surrender the passport before the Court, if any, if not then he shall make a declaration by way of filing affidavit before the Court;
- 7] The applicant shall provide his residential address and Mobile Number at the time of execution of a bond.

Signed and pronounced in the open Court on this **10<sup>th</sup> Day of March, 2026.**

Place :- Morbi

**(Mitalkumar Rasikbhai Nadpara)**

Date :- 10/03/2026

2<sup>nd</sup> Addl. Sessions Judge,  
Morbi  
Judge Code GJ00840

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