

Order below Bail Application filed by the Applicant / Accused namely Mohmad Tahir s/o Mohmad Rafik Shaikh, Age About - 25 year in connection with the offence punishable u/s 303(2), 61(2), 54 of Bharatiya Nyay Sanhita, 2023 registered with Vansda Police Station C.R. No. Part-A 11822003260296/2026.

1. Heard ld. advocate appearing for the applicant / accused and ld. A.P.P. for the State, read this application and perused the papers on record of the case. Present applicant / accused having been arrested in connection with the offence punishable u/s 303(2), 61(2), 54 of Bharatiya Nyay Sanhita, 2023, registered with Vansda Police Station C.R. No. Part-A 11822003260296/2026.
2. Looking to the charges leveled against accused, nature & gravity of the offence, provision for maximum punishment if the charges are found true, effect on the society etc... it appears that present accused having been arrested in connection with non-bailable offence and the provision for maximum punishment if charges are found true is three years on first time and if offence is second time, the maximum punishment if up to five years. At this juncture, Ld. APP has drawn the attention of this court to the other papers and argued that the present accused is a habitual offender and if he is enlarged on bail, then there are all chances that he may indulge in same kind of activity again, hence, prayed to reject this bail application. But, looking to the record of the case there is nothing on record to show that the applicant / accused has been convicted in any of

the offence. Further, looking to the documents produced on record it appears that the accused is residing within the limits of Gujarat state since long. Therefore, there are all chances that if the applicant / accused is enlarged on bail then he will remain present before the court to face the trial and will not jump the bail.

3. Considering the principle regarding the Bali Application laid down in the case of *Bhagirathsingh Jadeja Vs State of Gujarat Cited in AIR 1984 (S.C) 372* & in the case of *Jaychand v/s State of Rajsthan cited in 1991(3) Crimes 63*, in this case it is observed & laid down the principal that the other offences are pending against the applicant is not a ground to reject the bail application of the applicant / accused. Therefore, after considering all the attending circumstances this court is of the view that the discretion vested in this court u/s. 480 of B.N.S.S. should be used in favour of the applicant / accused. Hence, after considering all the attending circumstances, the accused should not be kept aloof from their liberty and hence I pronounce the following order:

ORDER

1. The following application is hereby "**allowed**". The accused is hereby allowed to be enlarged on bail after furnishing **Rs.5,000/-(Rupees Five thousand only)** as **Cash surety per accused** and **bail bond of Rs. 25,000/ (Twenty Five thousand only)** as **surety per accused** on the following condition:
 - i. Not to indulge in any such offence again.

- ii. Not to leave the territory of Country India without the prior permission of the court.
- iii. File an affidavit stating his/her immovable properties whether self acquired or ancestral with description, location and present value of such properties.
- iv. To furnish the residential address/email address/ whatsapp number on affidavit with phone number and is also hereby directed not to change the residential address without the prior permission of the court.

Signed and pronounced in this open court on this 09th Day of March 2026.

Date : 09/03/2026 Place : Vansda.	(Rashmikant Ramchandra Baria) Judicial Magistrate First Class, At.Vansda, Dist.Navdari. UID Code : GJ01609
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