

GJPM010007392026



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**IN THE COURT OF 6th ADDITIONAL SESSIONS JUDGE,
PANCHMAHALS AT GODHRA**

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CRIMINAL MISC. APPLICATION No. 233/26

Exh. _____

Applicant :

Ishaq Yusuf Mitha

Age : 29 Years, Occupation : Labour Work,

Residing at :

Mithikhan Mohalla, Near Darusalam Mosque,

Taluka : Godhra, District : Panchmahals.

V e r s u s

Opponent :

The State of Gujarat, Gandhinagar.

Appearance :

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Mr. S. A. Saiyed : Ld. Advocate for the applicant

Mr. J. A. Pathak : Ld. Sp. PP for the opponent

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Application for Regular Bail u/s. 483 of BNSS

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J U D G M E N T

1. The present regular bail application under the provision of Section 483 of BNSS is preferred by the applicant with respect to offence registered at Godhra Town 'B' Division Police Station vide CR No. 11207002250792/2025 for the offence punishable under Sections 6(A), 8(4), 10 of the of the Gujarat Animal Preservation (Amendment) Act 2017, Section 11(1)(d)(e)(f) of the Preservation of Cruelty to Animals Act and Section 119 of the Gujarat Police Act.

2. The Ld. Advocate appearing on behalf of the applicant has submitted that the applicant came to be arrested in connection with this offence on 26.12.2025 and since then he is in judicial custody. It is further submitted that the applicant is innocent and has been falsely implicated in the present offence. It is further submitted that investigation has substantially progressed and the charge-sheet has already been filed vide CC No. 2239/2026, hence, the custodial interrogation is no longer required and there is no likelihood of absconding or tampering with the evidence. It is further submitted that the applicant is in judicial custody and continued detention would amount to pre-trial punishment. The trial is likely to take considerable time. The applicant is ready and willing to abide by any of the conditions imposed by this Hon'ble Court and shall remain present before the Court as and when required. Hence, the

Ld. Advocate has prayed to grant regular bail to the applicant.

3. On behalf of opponent i.e. the State, Ld. Sp. PP Mr. J. A. Pathak has remained present, as well as, the IO has submitted objection on affidavit at Exh. 5. The ld. PP has strongly opposed the grant of bail to the applicant and argued that the present offence is of serious nature registered under the provisions of Gujarat Animal Preservation (Amendment) Act. It is further submitted that the present applicant was apprehended from the spot along with the muddamal articles, therefore, his direct involvement in the alleged offence is clearly revealed from the investigation papers. Considering the gravity of the offence and the role played by the present applicant, if the applicant will be released in bail, there is every possibility that he may abscond or commit similar offences again. So, has prayed to reject the regular bail application of the present applicants.
4. Having heard the Ld. advocates of the respective parties and having perused the material on record. Upon perusal of the contents of the FIR, it appears that on 26.12.2025, the police received secret information that the co-accused had brought one bull in a vehicle and had tied the said bull inside the house for the purpose of slaughtering. Acting upon the said information, the police conducted a raid at

the said premises and found a bull tied in a cruel manner with ropes on its legs and neck. The present applicant was found present at the spot and was apprehended by the police officials, whereas the co-accused managed to flee from the spot. During the search, muddamal articles including knife, weighing scale, rope etc., were found and seized. These materials collected during investigation lend support to the allegations made in the FIR and cannot be ignored at this stage. All the aforesaid material facts and evidences have been collected by the Investigating Officer during the course of police investigation, and thereafter, the charge-sheet is filed. Accordingly, the allegations against the accused is supported by the prima facie material and direct evidence collected during the investigation. It is pertinent to note that the applicant has filed the present application after filing of the charge-sheet, however, mere filing of the charge-sheet cannot be considered as a change in circumstances. The applicant remain failed to put forward the any substantial or material change in circumstances, which would entitled him to be released on bail. In the present case, the allegations against the accused is supported by the material collected during the police investigation and the applicant has not been able to demonstrate any material change in circumstances. Moreover, it is further revealed from the record that there are criminal antecedents against the present applicant.

Having regard to the overall facts and circumstances of the case and seriousness of the allegations, this Court is not inclined to exercise its discretion in favour of the applicant. Hence, the following order is passed :-

ORDER

The present bail application is hereby **rejected**.

Signed and Pronounced in open Court today on this 7th day of March, 2026

Date : 07.03.2026

Place : Godhra

JK

(Raja Ranchhodbhai Patel)
6th Additional Sessions Judge,
Panchmahals at Godhra.
UIC No. GJ00922