

GJPM010008242026



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

CRIMINAL MISC. APPLICATION No.265/26

Exh. _____

Applicant :

Imran Aadam Madari
Age : Adult, Occu.: Labour work,
Resi.: Geni Plot, Opp. Umar Masjid, Godhra,
Dist.- Panchmahals.

V E R S U S

Opponent :

The State of Gujarat, Gandhinagar.

Appearance :

Mr. M. A. Mansuri : Ld. Advocate for the applicant
Mr. R. D. Shukla : Ld. APP for the opponent

Application for Anticipatory Bail u/s.482 of BNSS

J U D G M E N T

1. The present anticipatory bail application under Sec.482 of BNSS is preferred by the applicant with respect to the offence registered at Godhra Town B Division Police Station vide C.R. No.89/2026, for the offence punishable under Sec.125(a), 117(2), 118(2), 352, 351(2)(3), 54 of BNS and Sec.135 of G.P. Act.
2. The Ld. Advocate on behalf of the applicant-accused has submitted that since the applicant is apprehending his arrest in present offence so, the present application for anticipatory bail is filed. He has further submitted that the applicant is innocent and has not committed the so-called offence. He is falsely implicated in the offence. The facts of the complaint are brought up falsely. The victim is not under medical treatment as indoor patient. There is no any prima facie case against the applicant. It is further contended that the applicant has submitted an application at the concerned police station with respect to the investigation of the offence, stating therein that at the time of commission of the offence, the applicant was not present there, but he was at Hotel Laziz at Satpul. He has also submitted CCTV footage of the said hotel along with the application. The applicant has also submitted the said footage before this Court in a pendrive. It is further contended that the applicant is doing labour work for livelihood of his family. The applicant is ready and willing

to co-operate with the investigation. The applicant is not likely to be absconded and will obey the conditions imposed by the Court if he is released on bail. Therefore, the ld. advocate has prayed to grant the present application. The applicant side has produced many documents in support of their contentions.

3. On behalf of the opponent - State, ld. APP Mr. R. D. Shukla has remained present, as well as, the IO has submitted objection on affidavit at Exh.5. The ld. PP has argued that all the accused have in collusion with each other have committed the serious offence and caused grievous hurt to the victims by using dangerous weapons. The investigation is going on and the custodial interrogation of the accused is required. The IO has investigated with respect to the application of the present accused regarding his availability at the place of offence and it is found that during the time of commission of the offence, the accused was not at the Hotel of which CCTV footage were submitted by the accused. Therefore, the ld. PP has prayed to reject the application considering the seriousness of the offence.
4. The complainant side has submitted written objection vide Exh.8 and vehemently resisted the application of the applicant and prayed to reject the application. The complainant has also produced medical documents and

photographs of the victim showing the injuries caused to the victim in support of the objection.

5. Heard the Id. advocates of respective parties and perused the material on record. Since the present application is preferred u/s.482 of BNSS, seeking anticipatory bail, in pursuance to the same, it is required to refer the well known citation of Hon'ble Supreme Court, which is the case between **Siddhram Satlingappa Mahetre Versus State of Maharashtra (2011) 1 SCC 694**, wherein the scope and ambit of anticipatory bail and the principles regarding the same were narrated in Para-122. The same are as below :-

- " i. The nature and gravity of the accusation and the exact role of the accused must be properly comprehended before arrest is made ;*
- ii. The antecedents of the applicant including the fact as to whether the accused has previously undergone imprisonment on conviction by a Court in respect of any cognizable offence ;*
- iii. The possibility of the applicant to flee from justice ;*
- iv. The possibility of the accused's likelihood to repeat similar or the other offences ;*
- v. Where the accusations have been made only with the object of injuring or humiliating the accused by arresting him or her ;*
- vi. Impact of grant of anticipatory bail particularly in cases of large magnitude affecting a very large number of people ;*
- vii. The courts must evaluate the entire available material against the accused very carefully. The court must also clearly comprehend the exact role of the accused in the case. The cases in which accused is implicated with the help of sections 34 and 149 of the Indian Penal Code, the court should consider with even greater care and caution because over implication in the cases is a matter of common knowledge and concern ;*
- viii. While considering the prayer for grant of anticipatory bail, a balance has to be struck between two factors namely, no prejudice should be caused to the free, fair and full – investigation and there should be prevention of harassment, humiliation and unjustified detention of the accused ;*

- ix. *The court should consider reasonable apprehension of tampering of the witnesses or apprehension of threat to the complainant ;*
- x. *Frivolity in prosecution case should always be considered and it is only the element of genuineness that shall have to be considered in the matter of grant of bail and in the event of there being some doubt as to the genuineness of the prosecution, in the normal course of events, the accused is entitled to an order of bail."*

6. Keeping in mind the guidelines given by the Hon'ble Apex Court in the above Judgment, if the facts of the present case are perused, then it is the case of the prosecution that the accused in collusion with co-accused have committed the offence and caused grievous hurt to the victims by using an iron pipe and a knife. The applicant side has raised a plea of alibi and contended that the applicant has submitted an application at the concerned police station with respect to the investigation of the offence, stating therein that at the time of commission of the offence, the applicant was not present there, but he was at Hotel Laziz at Satpul. He has also submitted CCTV footage of the said hotel along with the application. The applicant has also produced a photograph of the CCTV footage of the said Hotel, however, the time stamp appears on the said photograph shows the time 11:33 p.m. whereas on perusal of the complaint, the time of commission of the offence ended at 11:30 p.m. Moreover, in pursuance to the said application, the IO has investigated thoroughly with respect to the availability of the applicant at the place of offence and it is found that during the time of commission

of the offence, the applicant-accused was not present at the Hotel of which CCTV footage were submitted by the applicant-accused. So, the plea of alibi raised by the applicant side cannot be considered at this juncture. Moreover, during the course of hearing, the complainant side has submitted written objection and vehemently resisted the application of the applicant and also produced medical documents and photographs of the victim showing the injuries caused to the victim. At this juncture, it is also required to note that the applicant's brother has also lodged a complaint of similar nature against the relatives of the complainant of present offence. Considering the overall aspects, it can be said that there is prima facie case against the present applicant-accused and he has played crucial and active role in the execution of the offence along with the other co-accused which has been fully supported by primary evidence collected by the prosecution which cannot be ignored. The investigation is pending and it is at crucial stage and to investigate the offence thoroughly, the custodial interrogation of the present applicant-accused is required. The present applicant-accused is the main link to all the clues of the remaining part of investigation. If the applicant is released on anticipatory bail, he will not co-operate with the investigation and hamper the investigation, as well as, all the remaining part of investigation is likely to be prejudiced a lot. The judicious discretion u/s.482 of BNSS can be used in exceptional

cases, however, considering the facts and circumstances of the present case, this Court doesn't find that this is a fit case wherein judicious discretion should be exercised in favour of the present applicant. Therefore, following order is passed in the larger interest of justice.

ORDER

The present application is hereby **rejected**.

Signed and Pronounced in the open Court on this 18th day of March, 2026.

Date : 18-03-2026

Place : Godhra

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