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	DAYS	MONTH	YEAR

Exh. : 7

**BEFORE THE 9<sup>TH</sup> ADDITIONAL SESSIONS JUDGE**  
**AT RAJKOT**

**Criminal Misc. Application (Regular Bail) No.635 of 2026**

**Shaileshbhai Laxmanbhai @ Kalubhai Zapda (Bharwad)**

Age : 30 Years, Occupation : Labour Work

Resident : Village Targhadi, 100 Yards Plot

Near Aanganwadi

Paddhari

Dist. : R A J K O T

... .. **APPLICANT**

**(At present in Central Jail, Rajkot)**

**V E R S U S**

(1) The State

(2) Jayantibhai Khelabhai Gohel

(Original Complainant) ... ..

**OPPONENTS**

**Appearance**

Learned Advocate Mr. B. V. Dodiya for the applicant.

Learned A. P. P. Mr. D. M. Mehta for the opponent – State.

**Application U/s. 483 of the Code of B.N.S.S. 2023**

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

1] By way of filing present bail application invoking the

provisions of **Sections 483 of B. N. S. S. 2023**, the applicant herein sought to enlarge him on regular bail in connection with the offence registered before **Paddhari Police Station, Rajkot (Rural)**, vide **C. R. No.11213042220584/2022** for the commission of offence punishable **under Sections 302, 201, 120(B) of I.P.C., under Section 3 (2) (5) of The Atrocity Act and under Section 135 of G. P. Act** stating and contending that, the applicant is in judicial custody since 28-11-2023 and trial of **Sessions (Atrocity) Case No.10/2023** is going on against applicant.

- 2] On being served with the process, the Learned A.P.P. appeared for the opponent-State. The Investigating Officer has submitted his report at **Exh.6**.
- 3] The Learned Advocate for the applicant submits that, applicant has not attributed any role in the commission of offence, however, falsely implicated in the alleged offence of serious nature of murder. It is submitted that according to FIR, offence is alleged to have committed on 14-11-2022 while FIR was lodged on 28-11-2022 and there is no explanation for late FIR, thus, false and fabricated complaint has been created. It is stated that according to FIR and charge sheet, there is no allegation that applicant has beaten the victim and no such evidence is found in the police papers of charge sheet. Also stated that even no specific role of applicant has been mentioned in the police papers of charge sheet and there is no prima facie evidence of the offence punishable under Section 302 of IPC, however, applicant has been implicated in the alleged

offence for the reason that there was love affairs of the wife of applicant with victim. It is contended that investigation is also over and charge sheet has been filed which has been registered as **Sessions (Atrocity) Case No.10/2023**, therefore, now there is no question of hamper or tamper the evidence and witnesses of prosecution and trial would take longer time, therefore, it would be pretrial punishment if applicant is not enlarged on bail. It is further submitted that applicant having responsibility of his family and, as such, applicant is in judicial custody since 28-11-2022 and this is first bail application of applicant and, as such, bail is rule and jail is exception, therefore, applicant may be enlarged on bail according to judgment of the Hon'ble Supreme Court in the case of **Sanjay Chandra V/s. C. B. I.** Also submitted that, applicant is permanent resident of Rajkot district, hence, available as and when require and there is no question of fleeing away. Also submitted that applicant would abide by the conditions that may be imposed by the Hon'ble Court. Under these circumstances, the Learned Advocate for the applicant has urged that, the applicant may be enlarged on bail on suitable terms and conditions that may deem just and proper to the Court to which the applicant has assured to abide.

- 4] Per contra the Learned A. P. P. has appeared on behalf of the opponent-State and opposed the grant of relief stating and contending that, the applicant is actively involved in the offence and also attributed substantial role in the commission of offence. It is further submitted that, there is

name of applicant in the FIR and applicant along with co-accused has committed murder of victim. It is also stated that according to complainant, wife of applicant having love affairs with the deceased and, therefore, applicant in conspiracy with co-accused, called the victim at the place of offence and committed murder by iron pipe blows and then destroyed the evidence of offence. Further submitted that role attributed by the applicant is serious and allegations of complainant has not been denied by the applicant. Learned A. P. P. has produced report of Investigating Officer vide **Exh.6** wherein, it is stated that applicant in conspiracy with co-accused committed murder of deceased and destroyed the evidence. It is also mentioned in the police report that due to love affairs with the wife of present applicant, earlier deceased fled away with the wife of present applicant and returned back after fifteen days and there was amicable settlement, however, keeping grudge of the same, present applicant in conspiracy with co-accused called the victim at place of offence and committed murder. Also stated that statements of witnesses have also been recorded under Section 164 of Cr.P.C. and during investigation, sufficient evidence has been gathered against applicant, hence, submitted charge sheet. Learned A.P.P. also stated that trial of **Sessions (Atrocity) Case No.10/2023** is going and material witnesses yet to examine, therefore, expressed his apprehension that, if the applicant is enlarged on bail, he may jump the bail and further apprehended the possibility

of the applicant tampering with the prosecution witnesses and therefore, submitted that no discretionary power may be exercised in favour of applicant.

- 5] Having heard the Learned Advocates appearing for the respective parties, the report of Investigating Officer so also the police investigation papers and considering materials placed by the respective parties where from it reflects as alleged by the prosecution that, present applicant is alleged to have involved in the commission of murder of deceased. Further there is name of applicant in the FIR. Not only that, but according to FIR and police papers, all the accused have beaten the complainant by pipe blows and after committing murder of deceased, also destroyed the evidence, therefore, it cannot be said that applicant has not attributed any role in the commission of offence. It also reflects from the record that wife of applicant having love affairs with deceased and earlier deceased and wife of applicant fled away, therefore, keeping grudge of earlier incident, applicant in conspiracy with co-accused called the deceased at the place of offence and committed murder of deceased. The trial of **Sessions (Atrocity) Case No.10/2023** is going on and statements of witnesses were recorded under Section 164 of Cr.P.C. and material witnesses are yet to examine, hence, there seems to be substance in the submission and apprehension expressed by the Learned A.P.P. that if the applicant is enlarged on bail then he may jump the bail and there is possibility of tampering with the prosecution witnesses. Thus, there seems to be no

substance in the present application so as to exercise the discretionary power in favor of the applicant to enlarge him on regular bail. Hence, I pass the following order.

**ORDER**

Criminal Misc. Application (for Regular Bail)  
No.635/2026 stands / **rejected**.

Signed and pronounced in the open court today on this 12<sup>th</sup>  
day of March, 2025.

Place : R A J K O T

Date : 12-03-2026

**[SALIM ABDULLA GALARIA]**

9<sup>th</sup> Additional Sessions Judge

R A J K O T

**Unique ID Code No.GJ00731**

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