



RECEIVED ON	05	03	2026
REGISTERED ON	05	03	2026
DECIDED ON	13	03	2025
DURATION	08	00	00
	DAYS	MONTH	YEAR

Exh. : 07

**BEFORE THE 9TH ADDITIONAL SESSIONS JUDGE
AT RAJKOT**

Criminal Misc. Application (Regular Bail) No.659 of 2026

Bhupatbhai Dhirubhai Sariya

Age : 36 Years, Occupation : Agriculture

Resident : Shivrajpur

Taluka : Jasdan

Dist. : R A J K OT

(At present in Sub Jail, Gondal)

APPLICANT

V E R S U S

The State

OPPONENT**Appearance**

Learned Advocate Mr. K. L. Sakariya 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 **Jasdan Police Station, Rajkot (Rural), vide C. R. No.11213021260137/2026** for the commission of offence punishable **under Section 109(1), 61(2)(A), 35(A), 189(4), 190, 191(3), 351(3) of B.N.S. and under Section 135 of G. P. Act** stating and contending that, the applicant is in judicial custody since 17-02-2025 and this is first bail application of the applicant.

- 2] On being served with the process, the Learned 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, there is no name of applicant in the FIR and applicant has not attributed any role in the alleged offence, however, falsely implicated. It is contended that FIR was lodged against four named accused and seven to eight unknown accused. It is further argued that according to FIR, there is no even allegation of beating the complainant or witnesses against unknown accused. It is further stated that there is cross complaint and present applicant has not attributed any role in the alleged offence, however, applicant has been falsely implicated in the alleged offence. It is argued that according to police papers more particularly police statement of applicant, he was not present at the place of offence, but reached at the place of offence when injured Chhaganbhai was being shifted to hospital after commission of offence. It is also vehemently argued that applicant has been arrested on 17-02-2025 and, therefore, investigation is likely to be

over qua present applicant and, as such, applicant having no criminal antecedents and applicant is permanent resident of Rajkot district and available as and when required. Further submitted that, entire responsibility of his family is on the shoulders of the applicant, hence, if he is kept in judicial custody then the family of the applicant will have to face dire consequences. Under these circumstances, the Learned Advocate for the applicant has urged that, the applicant may be granted regular 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 has attributed substantial role in the commission of offence. Further submitted that even as per police statement of applicant, applicant was present at the place of offence. Further argued that applicant cannot be enlarged on bail only for the reason that there is no name of applicant in the FIR. On the contrary, applicant was well aware about the quarrel took place prior to day of incident and actively involved in the offence. Further argued that applicant and complainant are residing in the vicinity, if applicant is enlarged on bail then there is possibility that issue of law and order situation would arise. Learned A.P.P. has produced police report of Investigating Officer vide **Exh.6** wherein it is stated that applicant has attributed substantial role in the commission of offence and residence of applicant is in the vicinity of the complainant and

witnesses, therefore, if applicant is enlarged on bail then there is possibility of hampering or tampering the evidence and witnesses of prosecution. Learned A.P.P. has also expressed his apprehension that if the applicant is enlarged on bail, he may jump the bail, 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 affidavit of Investigating Officer so also the police investigation papers and considering the materials placed by the respective parties where from it reflects as alleged by the prosecution that, the present applicant and co-accused are alleged to have committed alleged offence. It is material to note that FIR was lodged against four named accused and seven to eight unknown accused and there is no name of applicant as accused in the FIR. Further, there is cross complaint and according to FIR, there is no allegation that present applicant has beaten complainant or witnesses. On the contrary according to FIR, presence of applicant is not surely stated by the complainant. It is material to note that there is no name of applicant in the FIR and no criminal antecedents of present applicant is mentioned in the affidavit and, as such, applicant is arrested on 17-02-2026 and, therefore, investigation is likely to be over qua present applicant. Therefore, considering the role alleged to have attributed by the present applicant as well as aforesaid facts and circumstances and the fact that applicant is in judicial

custody since 17-02-2025 and investigation is likely to be over qua present applicant, if applicant is kept behind the bar then it would be pretrial punishment. Hence, there seems to be 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

- 1] Criminal Misc. Application (for Regular Bail) No.659/2026 stands **allowed**.
- 2] The applicant **Bhupatbhai Dhirubhai Sariya** is hereby ordered to be released on bail in connection with offence registered vide **C. R. No.11213021260137/2026** registered before **Jasdan Nagar Police Station, Rajkot (Rural)**, on furnishing bail bond of **Rs.25,000/- (Rupees Twenty Five Thousand Only)** and surety of like amount, subject to following conditions.
- 3] The applicant-accused shall :—
 - (a) not take undue advantage of his liberty or misuse liberty.
 - (b) not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case.
 - (c) surrender his passport, if any, to the Lower Court within a week.
 - (d) furnish latest and correct address of residence to the Investigating Officer and also to the

Court at the time of execution of the bond and shall not change the residence without prior permission of the Trial Court.

(e) not leave the territory of India without prior permission of this Court.

(f) regularly remain present in the Trial Court.

4] Bail bond be executed before the concerned Court.

5] Necessary yadi be sent to the concerned police station as well as concerned Jail Authority for necessary compliance.

Signed and pronounced in the open court today on this 13th day of March, 2026.

Place : R A J K O T

Date : 13-03-2026

[SALIM ABDULLA GALARIA]

9th Additional Sessions Judge

R A J K O T

Unique ID Code No.GJ00731

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