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	DAYS	MONTH	YEAR

Exh. : 07

BEFORE THE 9TH ADDITIONAL SESSIONS JUDGE
AT RAJKOT

Criminal Misc. Application (Regular Bail) No.661 of 2026

Ashish @ Amit Vajesinh Parmar

Age : 19 Years, Occupation : Private Service

Resident : R.M.C. Quarter, Block No.16/17

Room No.254, Indian Park

Jokar Ganthiya Street, Raiya Road

RAJKOT

APPLICANT

(At present in Central Jail, Rajkot)

V E R S U S

(1) **The State**

Through : District Government Pleader

RAJKOT

(2) **Rajnishbhai Laxmanbhai Sondarva**

Resident : Nehru Nagar

Private Street No.3, Nr. Maldhari Chowk

Nana Mava Road

RAJKOT

OPPONENTS

Appearance

Learned Advocate Mr. R. B. Purnavairagi for the applicant.

Learned A. P. P. Mr. M. S. Joshi 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 **Pradhyuman Nagar Police Station, Rajkot City, vide C. R. No.11208044260158/2026** for the commission of offence punishable **under Sections 118(2) of B.N.S. under Section 3(2)(5-A) of The Scheduled Castes and The Scheduled Tribes (Prevention of Atrocities) Act and under Section 135(1) of G. P. Act** stating and contending that, the applicant is in judicial custody since 28-02-2026 and this is first bail application of the applicant.
- 2] On being served with the process, the Learned A.P.P. appeared for the opponent-State. The Investigating Officer has submitted his affidavit 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. It is submitted that according to FIR, offence is alleged to have committed in relation to removal of applicant from the service, however, there is no complete and proper name of applicant in the FIR. It is also argued by the Learned Advocate for the applicant that there is no allegation in the FIR that applicant has made any castiest remarks of the caste of complainant and there is no ingredient of the offence punishable under the Atrocities Act and even no

offence punishable under Atrocities Act was registered, however, Section 3(2)(5-A) of the Atrocities Act has been added subsequently with a view to falsely implicate the applicant in the alleged offence. Also submitted that complainant has been discharged from the hospital and also out of danger. It is argued that applicant having responsibility of his family and, as such, applicant is in judicial custody since 28-02-2026, therefore, investigation is also likely to be over, therefore, applicant may be enlarged on bail. Also submitted that, bail is rule and jail is exception and applicant is permanent resident of Rajkot, hence, available as and when require and there is no question of fleeing away. Also submitted that applicant having no criminal antecedents and 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, according to FIR, applicant was serving as security guard with complainant, but he was removed from the service and keeping grudge of the same, applicant has beaten the

complainant by inflicting knife blows and caused serious injuries. It is argued that according to injury certificate, complainant sustained serious injuries on the vital part of his body and there are as many as eight CLW injuries and though the complainant is discharged from the hospital, however, looking to injuries caused to complainant, he cannot be said out of danger. Also argued that allegations of complainant has not been denied by the applicant and if applicant is enlarged on bail then it would adversely affect on the society at large. It is also vehemently argued that injury certificate issued by Civil Hospital, Rajkot, reveals that complainant has been seriously beaten and caused multiple injuries by knife blows. Learned A. P. P. has produced affidavit of Investigating Officer vide **Exh.6** wherein, it is stated that applicant is involved in the commission of offence and attributed substantial role, if enlarged on bail then it would adversely affect the investigation and society at large. Learned A.P.P. also submitted that investigation is going on and at crucial stage and 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] The original complainant served with notice who remained present and strongly objected this application and made endorsement below application **Exh.1** to the effect that

applicant is high headed person and expressed his apprehension that if applicant is enlarged then he may be again beaten by the applicant.

- 6] Having heard the Learned Advocates appearing for the respective parties, the affidavit 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 offence of beating the complainant by knife blows and there is name of applicant in the FIR. Further as per allegations, applicant was earlier serving as security guard with the complainant, but applicant was removed from the service and it was the apprehension of applicant that he was removed from the service at the instance of complainant and thereby keeping grudge of the same, applicant has beaten the complainant by knife blows and caused serious injuries, therefore, it cannot be said that applicant has not attributed any role in the commission of offence. Further on perusing injury certificate issued by Civil Hospital, Rajkot, there are eight CLW injuries which are more than 2 c. m. x 2 c. m. in sizes on the parts of body like left side of neck, left side of forehead, from left ample of mouth to jaw line, left ear, left side of abdomen, left arm etc. and considering injuries sustained by complainant, he cannot be said to have out of danger despite complainant is discharged from the hospital. Hence, considering the role alleged to have attributed by the applicant as well as aforesaid facts, 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.661/2026 stands / **rejected**.

Signed and pronounced in the open court today on this 13th
day of March, 2025.

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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