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REGISTERED ON	23	03	2026
DECIDED ON	01	04	2026
DURATION	10	00	00
	DAYS	MONTH	YEAR

Exh. : 7

**BEFORE THE 8TH ADDITIONAL SESSIONS JUDGE
AT RAJKOT**

Criminal Misc. Application (Regular Bail) No.850 of 2026

Kamleshbhai Bhikhabhai Dangar

Age : 35 Years, Occupation : Service

Resident : Block No.B-1/201

Shri Satguru Colony

A. G. Chowk, Kalawad Road

R A J K O T

(At present in Central Jail, Rajkot)

... .. **APPLICANT**

V E R S U S

The State

... ..

OPPONENT

Appearance

Learned Advocate Mr. H. H. Virda 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 **Gandhigram Police Station, Rajkot, vide C. R. No.11208035260187/2026** for the commission of offence punishable **under Sections 306, 54 of B.N.S.** stating and contending that, the applicant is in judicial custody since 15-03-2026 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 report at **Exh.6**.

Facts of FIR

- 3] The case of the prosecution as per FIR is that :

It is the case of prosecution that he does service in Flipkart Logistic Company as Enforcement Officer of Saurashtra Kutch area since July-2024 and warehouse of his company is situated on the ground floor of Sumti Avenue Building near Madhapar Chowkdi at Rajkot. It is further alleged by the complainant that articles / goods of online orders placed by the customers on Flipkart comes to his warehouse and then delivered to customers through area wise delivery boys. It is also stated by the complainant that payment of “cash on delivery” received by delivery boys would have to be deposited by them before concerned employee of warehouse and if customer do not make payment or do not accept the articles / goods and cancel his order then parcel of such articles / goods is to be returned to warehouse by concerned delivery boys. It is alleged by the complainant that accused Kamleshbhai Dangar is serving as Team Leader at warehouse and on 02-02-2026 when he was

on his duty at that time, he was informed from the finance department of his company and Hub Incharge Mr. Rajeshbhai of warehouse that total 23 mobiles of different companies have been missing. It is alleged that said 23 mobiles were received at warehouse and forwarded to delivery to the concerned customer through delivery boys, but due to cancellation of orders by the concerned customers, said 23 mobiles have not been returned back to warehouse and informed IMEI numbers of said mobiles in his complaint. It is alleged by the complainant that on preliminary inquiry by carried out by him and Mr. Rajeshbhai, it was found that said 23 mobiles were stolen by the accused Kamleshbhai at the instance and instruction of accused Ketanbhai Arjanbhai Rathod who is also serving as Area Manager. Therefore, for the theft of 23 mobiles worth Rs.8,32,404/-, complainant lodged such type of his complaint for the offences punishable under Sections 306 and 54 of B.N.S. vide **C. R. No.11208035260187/2026** before Gandhigram Police Station of Rajkot City on 15-03-2026.

Arguments of applicant

- 4] The Learned Advocate for the applicant has argued that applicant has been arrested 15-03-2026 and since then he is in judicial custody. Further argued that offence is alleged to have committed during the period from 02-02-2026 to 15-03-2026 while FIR was lodged on 15-03-2026, thus, there is delay in FIR and there is no satisfactory explanation for such delay. Further contended that applicant has not

committed any offence, however, he is falsely implicated in the offence. Further stated that according to law laid down by the Hon'ble Apex Court, offence can be considered serious in which punishment is minimum for seven years imprisonment or more, but no offence for which punishment is imprisonment upto seven years can be considered serious. It is argued that as per allegations in the FIR, there is no any role of applicant in the entire episode and there is no prima facie ingredients of the offence. Further submitted that bail is rule and jail is exception and as such, applicant has been arrested on 15-03-2026, therefore, investigation is also likely to be over qua present. Further submitted that applicant is permanent resident of Rajkot and trial would take long time and if applicant is not enlarged on bail then it would be a pretrial punishment. Further submitted that as per FIR and police papers, there is no serious role alleged against present applicant applicant having responsibility of his entire family and he is permanent resident of Rajkot district, if enlarged, would not hamper or tamper the witnesses and would remain present regularly. Also submitted that applicant having no criminal antecedents, hence, Learned Advocate prayed to allow the present application.

Arguments of Learned A.P.P.

- 5] In pursuance of the notice, Learned A. P. P. Mr. M. S. Joshi appeared before the Court 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, applicant was serving as team leader in the warehouse situated at Madhapar Chowkdi at Rajkot of InstaKart Service Pvt. Ltd. which is logistic company of Flipkart and had not returned back 23 mobile phones which were cancelled by the customers and required to return to mother hub of company situated at Ahmedabad, but sold out and thereby committed theft of 23 mobiles worth Rs.8,32,404/-. Further argued that delay caused in FIR is also well explained by the complainant. It is argued that allegations of complainant has not been denied by the applicant. 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 after committed theft of 23 mobile phones, sold out to other persons out of which, one mobile was recovered and 22 mobile phones are yet to recover and investigation is going on, therefore, if enlarged on bail then it would adversely affect the investigation. Learned A.P.P. also 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.

Reasons and final Order

- 6] From perusal of F.I.R. and police papers, it is the case of the prosecution that present applicant was serving as Team Leader in the warehouse of InstaKart Service Pvt. Ltd.

which is logistic company of Flipkart and applicant is responsible to return articles / goods purchased online by the customers but refused to accept or cancelled online orders by such customers. It is allegation that applicant has received back 23 mobile phones refused to accept or cancelled online orders by customers and it was the duty of applicant to return said mobile phones to mother hub of Flipkart at Ahmedabad, however, instead of doing so, he has sold out said 23 mobile phones worth Rs.8,32,404/- in conspiracy with other accused. On further perusal of FIR, it reflects that details of mobile phones alleged to have not returned back by the applicant are mentioned with IMEI numbers of each mobile phones. It further reflects that primary inquiry was carried out by security officer of company and after verifying record, complaint was lodged. The police papers further reflects that till date, no muddamal 22 mobile phones have been recovered, but according to police papers, applicant has misused the amount of sale consideration of said mobile phones and investigation is going on. Further according to affidavit of Investigating Officer, investigation is at crucial stage and if applicant is enlarged then it would adversely affect the investigation. As the muddamal 22 mobiles has not been recovered and considering the facts and circumstances, gravity of offence and role attributed by the applicant as well as police papers and submissions of both the sides, I do not find any substance in the present application so as to exercise the discretionary power in favor of the applicant to

Cr.M.A.-S-No.850/2026

JUDGMENT

enlarge him on regular bail. Hence, I pass the following order.

ORDER

Criminal Misc. Application (for Regular Bail)

No.850/2026 stands **rejected**.

Signed and pronounced in the open court today on this 1st day of April, 2026.

Place : R A J K O T

Date : 01-04-2026

[SALIM ABDULLA GALARIA]

8th Additional Sessions Judge

R A J K O T

Unique ID Code No.GJ00731

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