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EXH. 6

**IN THE DESIGNATED COURT OF PRINCIPAL
DISTRICT & SESSIONS JUDGE, AT : RAJKOT.**

Criminal Misc. Application (for cancellation of bail)
No.2164/2025.

The State of Gujarat,

.. Applicant,

VERSUS

Nimit @ Anti Tulsibhai Mer,

R/o.Khan Village,
Taluka Una,
Dist.Gir Somnath,

.. Opponent,

Appearance :-

Mr.T. M. Gokani, Ld. Special P.P. for the applicant – State.

Mr.S. G. Mehta, Ld. Adcocate for the opponent - accused,

Application U/s. 483(3) of the BNSS.

:: JUDGMENT ::

- 1] While invoking the provisions of **Sec.483(3) of BNSS** applicant-State has sought to cancel the bail granted to the opponent-accused by the Hon'ble High Court of Gujarat vide order passed in **R/Criminal Misc. Application (For Regular Bail – After Chargesheet) No.1732/2026** on **22/01/2026** in connection with the offence registered before **Una Police Station, District Gir Somnath** for the offence alleged to have been committed under **Sub.Sec.(2) of Sec.3(1), 3(2) & 3(4) of Gujarat Control of Terrorism and Organized Crime Act,2015**, registered vide **C.R. No.11186008251434/2025**, on the ground of opponent-accused having breached the condition Nos.8(a) and 8(f), which for the sake of convenience and brevity is reproduced as under :-

“8(a) not take undue advantage of liberty or misuse liberty.”

“8(f) not enter into Gir – Somnath District for a period of one year except for the purpose of marking presence.”

- 2] Ld. Special P.P. Mr.Gokani for the Applicant - State has submitted that, the opponent in sheer violation of the aforesaid conditions has taken undue advantage of his liberty and has committed offence. He has further submitted that, as per condition No.8(f) “not enter into Gir – Somnath District for a period of one year except for the purpose of marking presence”, however, the applicant has entered in Una City of Gir Somnath of District and

thereby committed breach of condition imposed by the Hon'ble High Court of Gujarat and has committed offence punishable under Sec.66(1)(b) of Prohibition Act, registered before Una Police Station vide C.R. No.11186008260378/2026.

In view of the aforesaid fact, present application should be allowed and bail granted to the present opponent-accused should be cancelled.

- 3] Heard Ld. Advocate Mr.S. G. Mehta, for the opponent-accused who has resisted the present bail cancellation application stating and contending that, the opponent-accused has not committed breach of any of the conditions imposed by the Hon'ble High Court of Gujarat. He has submitted that, the opponent-accused has regularly remained present before concerned police station for marking his presence and has also remained present before the court. He has submitted that, the opponent-accused has not violated any condition due to which the liberty granted by the court should be curtailed/withdrawn. He has submitted that, the Hon'ble High Court in many cases enunciated the principles that, once bail is granted it cannot be cancelled for common reasons. He has submitted that, cancellation of bail is a serious step, requiring cogent and overwhelming circumstances and cannot be done mechanically. He has submitted that, opponent-accused will not commit breach of any of the conditions imposed by the Hon'ble High Court in future. Hence, he has requested to reject the present application.

- 4] Having heard the Ld. Special PP Mr.Gokani for the applicant-State and Ld. Advocate Mr.Mehta for the opponent-accused. It appears that, the prosecution has filed application for cancellation of bail for the reasons that, the opponent-accused has not only entered in the Una City of Gir - Somnath District, but has committed offence under the provisions of Prohibition Act, for which the F.I.R. has also been filed against the opponent-accused.
- 5] Only the issue which requires to be considered is to see that, opponent after being released on bail whether having committed breach of the condition imposed by this court ?. The answer would be in affirmative. The documents produced by applicant-State shows that, the opponent-accused had not only enter the Una City of Gir- Somnath District but has committed offence under Sec.66(1)(b) of Prohibition Act. However, it is a fact that, the opponent-accused has attended the court regularly as well as marked his presence regularly before the concerned police station and had not absconded.

In view of the fact that, opponent – accused has committed breach of condition, it would be in the interest of justice, if strict condition to pay cost is imposed the purpose would be served. Hence in view of the aforesaid facts and circumstances, I pass the following order.

:: ORDER ::

- 1] The present Criminal Misc. Application (for cancellation of Bail) No.2164/2026 is hereby rejected. However, the

opponent is directed to deposit **Rs.15,000/- (Rupees Fifteen Thousand Only)** towards cost with District Legal Service Authority, Rajkot within 05 days from the date of this order and submit the photo copy of the receipt of the said amount.

- 2] The opponent is directed to remain present in the trial court on every adjournment without fail.
- 3] The conditions laid down by the Hon'ble High Court of Gujarat vide order **dtd.22/01/2026** passed in **R/ Criminal Misc. Application (For Regular Bail – After charge sheet) No.1732/2026** shall remain as they are.
- 4] Copy of this order be sent to all concerned for necessary knowledge, information and compliance.

Pronounced in open court today on this 17th day of July, 2026.

Place : Rajkot
Date : 17.07.2026

(Jitendra Rameshchandra Shah)
Principal District & Sessions Judge,
(Designated Court, GCTOC Act),
RAJ KOT
Code No.GJ01044

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