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D M Y

IN THE COURT OF 3rd ADDITIONAL SESSIONS JUDGE,
AT: DHRANGADHRA

CRI. MISC. APPLN. NO.56/2026

Exh. _____

- Applicant:** 1] **Vijaybhai Sureshbhai Vaghela**
Age: 25 years, Occ.: Studying,
R/o. Ambedkarnagar, Sarvoday Society,
Ta. Dhrangadhra, Dist. Surendranagar.
- 2] **Ashwinbhai Lalabhai Solanki**
Age: 28 years, Occ.: Agriculture,
R/o. Ambedkarnagar, Sarvoday Society,
Ta. Dhrangadhra, Dist. Surendranagar.

Versus

Opponent: The State of Gujarat

Application For Regular Bail Under Section 483 Of BNSS, 2023
(Under Section 439 of Cr.P.C., 1973)

Appearance:

Mr. U.I.Makwana, L.A. for the applicant.

Mr. P.B.Makwana, Learned A.P.P. for the opponent.

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

- 1) The applicants have filed the present bail application under Section 483 of BNSS, 2023 for enlarging them on bail in connection with the offence registered before Dhrangadhra City Police Station Cr.No. 11211015260098/2026 for the offences punishable under

Section 309(6), 351(2), 351(3), 352, 324(2), 54 of BNS and Section 135 of the GP Act.

- 2) Heard the Ld. Advocate Mr. U.I.Makwana for the applicant accused and Ld. A.P.P. Mr. P.B.Makwana for the state.
- 3) The Ld. Advocate for the applicants accused have submitted that the applicants are falsely implicated in the offence. If the applicants are not enlarged on bail, it is probability to face pre-trial punishment. The applicants are in judicial custody since 27/02/2026. Further, it is submitted that, the applicant no. 1 is studying and preparing for government jobs and applicant no. 2 is doing agricultural work and is the bread winner of his family. The applicants have not committed any offence of theft. The applicants are not directly or indirectly involved in the offence. The applicants accused are the local resident of District Surendranagar, therefore there are no chances of fleeing away. Therefore, the applicants prays to be released on bail.
- 4) The original complainant has raised objection in granting the bail application vide Exh. 7. The Ld. A.P.P., Mr. P.G.Raval has vehemently opposed to release the applicant on regular bail. It is submitted that all the accused have stopped the complainant on the road and abused him and the accused Nileshbhai put knife on the neck of the complainant and accused Ashwinbhai showed dhariya and abused the complainant and accused Vijaybhai had inflicted dhariya blows to the complainant and robbed Rs. 50,000/- from the complainant and the accused Vijaybhai on call threatened the complainant to kill him and all the three accused have threatened

the witness Hemitbhai so as to call the complainant and destroyed the doors of the house of the witness and damaged the motorcycle and helped each other in committing the offence. Therefore the present application of the applicant accused shall be rejected.

- 5) Having regards to the contentions by the rival parties, it is pertinent to note that, the applicants accused are in judicial custody since 27/02/2026. The applicants are the permanent residence of Surendranagar District and there is no likelihood to flee from justice. Furthermore, looking to the affidavit of the IO, it is clear that, all the accused have stopped the complainant on the road and abused him and the accused Nileshbhai put knife on the neck of the complainant and accused Ashwinbhai showed dhariya and abused the complainant and robbed Rs. 50,000/- from the complainant and accused Vijaybhai had inflicted iron pipe blows to the complainant and all the accused on call threatened the complainant to kill him and all the three accused have threatened the witness Hemitbhai so as to call the complainant and destroyed the doors of the house of the witness and damaged the motorcycle and helped each other in committing the offence. Moreover, there is nothing brought on record which shows that, the complainant has taken any treatment for the injuries. Therefore, looking to the facts and circumstances of the case and considering the nature of offence, punishment thereof and role attributed to the accused person and investigation is still going on, there are sufficient reasons not to exercise the discretion according to Section 483 of BNSS, 2023 against the applicant no. 2 and in the circumstances, the present application deserves to be rejected for applicant no. 2 - Ashwinbhai. Further, there are sufficient reasons to exercise the discretion according to

Section 483 of BNSS, 2023 against the applicant no. 2 and in the circumstances, the present application deserves to be allowed for accused no. 1 - Vijaybhai. Hence, the following order is passed.

ORDER

1. The present application is hereby **partly allowed**. The present application is hereby rejected for the applicant no. 2 - Ashwinbhai Lalabhai Solanki. The applicant no. 1 - Vijaybhai Sureshbhai Vaghela is hereby ordered to be released on bail in connection with the offences registered vide **C.R.No. 11211015260098/2026** with Dhrangadhra City Police Station for the offences punishable under Section 309(6), 351(2), 351(3), 352, 324(2), 54 of BNS and Section 135 of the GP Act, on furnishing surety of **Rs.25,000/- (Rupees Twenty Five Thousand Only)** along with a personal bond of like amount with the concerned authority upon following conditions:-
 - He shall remain present before the Trial Court regularly as and when, called for on the dates fixed.
 - He shall not involve themselves in similar type of another offence.
 - At the time of execution of bond, his shall furnish his address to the Courts concerned, and if he change his resident, then he shall disclosed his new residence before the Court within the 15 days.
 - He shall not leave Gujarat without the permission of the Court and if, having Passport, he shall deposit the same before the trial Court within a week.
 - He shall not threaten the complainant and shall not tamper with any evidences.

- Bail bond, be furnished before the concerned Court and yaadi be sent accordingly.

Pronounced in the open court on 7th day of March, 2026 under my hand seal.

**Date :07/03/2026
Dhrangadhra.**

**(Mukeshkumar Pratapbhai Chaudhari)
2nd Additional District & Sessions Judge,
Dhrangadhra.
(GJ00653)**

V.M.Nair