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DURATION	DYS-MTS-YRS

**IN THE COURT OF THE ADDITIONAL SESSIONS JUDGE
AT LIMBDI, DIST. SURENDRANAGAR**

CRIMINAL MISC. APPLICATION NO.191 OF 2026

Exh.

Aalkubhai Saardulbhai Jebaliya
Aged about 46 years,
Occupation: Farming,
Residing at: Village Naagadka,
Tal. Sayla, Dist. Surendranagar.
Versus

...Applicant

The State of Gujarat

...Opponent

Learned Advocate Mr. J.D.Vaghela for the applicant.
Learned APP Mr. Y.J. Yagnik for the opponent – State.

Application under Section 482 of B.N.S.

JUDGMENT

- 1) The present application is preferred by the applicant under Section 438 of B.N.S.S. seeking anticipatory bail as he has apprehension that they may be arrested in connection with the Dhajala Police Station

C.R. No.11211060210130/2021 for the offence punishable under Sections 307, 324, 323, 506(2) and 114 of IPC and Section 135 G.P. Act.

2) Opponent – State duly served with the notice and, Learned APP Mr. Y.J. Yagnik appeared on behalf of the State, Mr.S.P. Zala, PSI, Dhajala Police Station, Dist. Surendranagar has filed affidavit at Exh.6 against present bail application.

3) Ld. Advocate for the applicant accused has stated that offence punishable under 307, 324, 323, 506(2) and 114 of IPC and Section 135 G.P. Act came to be registered against the applicant accused before Dhajala Police Station. It is further stated that applicant have not committed any offence. The applicant is permanent residents as mentioned in cause title and there is no possibility to flee away from justice and he will available during the trial. So, it is requested to grant bail to the present applicant accused.

4) Ld. APP Mr. Y.J. Yagnik for the prosecution objected the present bail

application and relied upon the affidavit of IO and has submitted that the present applicant accused had committed the serious offence under Section 307 and there is prima-facie material and case against the present applicant accused and in this kind of serious offence, anticipatory bail may not be allowed and present application may be rejected.

- 5) I have heard both the side at length. The offence punishable under Section 307, 324, 323, 506(2) and 114 of IPC and Section 135 G.P. Act came to be registered against the applicant accused before the Dhajala Police Station. I have carefully gone through the fact of the present application, FIR, affidavit of IO and the police papers available on record. On perusal of the complaint as well as Affidavit filed by the I.O., it revealed that the present applicant accused was actively involved in the commission of the present offence. Looking to the Affidavit of the I.O. it transpires that, the present applicant-accused along with other co-accused are absconding in the said offence and are evading their arrest. On perusal of the records, prima-facie case is made out against the applicant-accused and the presence

of the applicant-accused is required. Further, as per the affidavit of the I.O., it revealed that the present applicant-accused was present on the spot with deadly weapons along with other co-accused. It is pertinent to note here that, as per the affidavit of the I.O., if the applicant-accused is released on bail at this stage, there is possibility of flee away from justice. Furthermore, going by the provisions of Section 438 of CrPC which amply clear that power exercisable u/s. 438 of the Code is extraordinary in character and it is to be exercised only in exceptional cases where it appears that the person may be falsely implicated or where there are reasonable grounds for holding that a person accused of an offence is not likely to otherwise misuse his liberty.

- 6) Considering all the facts and circumstance of the present case, the nature and gravity of the offence and the role played by the present applicant-accused as well as considering the larger interest of the society, this Court is of the view that, this is not a fit case for granting anticipatory bail to the present applicant-accused. Hence, in the interest of justice, following order is passed:-

ORDER

The present bail application of applicant/accused namely **Aalkubhai Saardulbhai Jebaliya** of the **C.R. No.11211060210130/2021** for the **offence punishable under Sections 307, 324, 323, 506(2) and 114 of IPC and Section 135 G.P. Act**, came to be registered before **Dhajala Police Station** is hereby **Rejected**.

Signed and pronounced in the open Court on this 29th day of June, 2026.

Date:29/06/2026

Place:Limbdi

(M.D. Pandey)
Additional Sessions Judge,
Limbdi, Dist. Surendranagar
Code No.GJ01542