

**IN THE COURT OF 2<sup>nd</sup> ADDITIONAL SESSIONS JUDGE,  
SURAT**

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**Criminal Misc. Application No. 1204 of 2026**

**Exh. \_\_\_\_\_**

**Applicant/accused :-**

Mansur S/o Noor Mohammad Ansari,  
Aged: 29 years, Occupation; labour,  
Resi.at: Plot No. 285/257, Mahaprabhu Nagar  
Nr. Maruti Nagar Road,  
Mithikhadi, Limbayat, Surat  
At present : Central Jail Lajpore, Surat.

*Versus*

**Opponent :-**

**The State of Gujarat**

***Appearance:-***

Ld. Advocate Mr. S. D. Shaikh for the applicant,  
Ld. A.P.P Mr. U.A. Patil for the Opponent-State.

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1. The is an application filed by the applicant/accused under Section 483 of B.N.S.S, 2023 for being released on bail in connection with the offences registered at **Althan** Police Station bearing Part-A C.R. No.11210069250274/2025 for the offences punishable under Sections 140(3), 140(1), 103(1), 238 of BNS.
2. The notice was issued to the respondent State of Gujarat. The Ld. APP has appeared before the court. The Investigating

Officer has submitted his affidavit vide Exh.4.

The *de facto* complainant has filed an affidavit vide Exh.7, objecting bail application.

3. Ld. Adv. for the accused-applicant has submitted that the applicant was arrested on 17.5.2025 since then he is in judicial custody. It is further submitted that the investigation is over and the chargesheet has been filed. It is submitted that the complaint was filed day for 3 days, for that no proper explanation has been made in the complaint. It is further submitted that there is no independent witness in the offence. The name of the applicant has not been revealed from the statements of the eye witnesses. The case is rested on circumstantial evidence and the chain has not been linked. It is submitted that earlier the temporary bail of the applicant was rejected by this Court. It is submitted that the applicant suffers 30% permanently disabled and physically incapable of committing the alleged act and also suffering from Hernia disease and needs medical treatment. It is submitted that there are total 82 witnesses in the case and the trial will take much time to conclude and it amounts to pretrial punishment. Ld. Adv. has relied upon the judgment of Sanjay Chandra Vs. CBI, 2012 1 SCC 40, Chidamaram Vs. Directorate of Enforcement 2019(9) SCC 24. It is further submitted that the accused-applicant is ready to comply any conditions that may be imposed by your Honour court. Hence, he has urged to grant present application.

4. Ld. APP. has submitted that the applicant accused is main

accused and involved in grave and serious offence. There is prima facie involvement in the crime. There are eye witnesses in the offence. Looking to the seriousness of offence, he urged to reject present application.

5. I have considered the rival contentions of the parties and perused the record. I have also perused the entire material made available before this Court. It is well settled position that at the time of deciding bail application, detailed examination of evidence and elaborate documentation of the merits of the case need not be undertaken. The court need not to conduct mini trial. The merits and de-merits of the prosecution case and admissibility and credibility of evidence may not be required to be appreciated minutely. The court has to only consider the whether prima facie case is established or not? It is necessary for the Court to consider among other circumstances, like nature of accusation and severity of punishment, reasonable apprehension of tampering with evidence, prima-facie satisfaction of the court etc... while considering the bail application.

6. Considering the papers, it appears that the applicant is facing the charges U/s.140(3), 140(1), 103(1), 238 of BNS. On perusing the affidavit of the IO, it transpires that the applicant accused and other accused had kidnapped the deceased for ransom and committed the offence of murder. There is *prima facie case* against the applicant accused. The ingredients of the offence of U/s.140(3), 140(1), 103(1), 238 of BNS are fully satisfied. It further reveals from the affidavit of the IO that there

are CCTV footage to connect the accused in the offence. Considering the overall facts of the case, the applicant-accused has actively participated in the commission of crime. The accused is involved in grave offence. The chargesheet has been filed against other accused. The investigation is at crucial stage against the applicant accused. If he be released on bail, the impassibility of fleeing away and tempering with the evidence cannot be ruled out. Therefore, considering the prima-facie role of applicant, I do not deem it fit to exercise my discretion in favour of the applicant. Accordingly, I pass following order :

**ORDER**

The present application stands rejected.

Pronounced and signed in open Court today i.e. on 9<sup>th</sup>  
March, 2026.

Place : Surat  
Date : 09.03.2026

**[Rakesh Rajnikant Bhatt]**  
2<sup>nd</sup> Additional Sessions Judge  
Surat Code No. GJ00608