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**IN THE COURT OF 2nd ADDITIONAL DISTRICT &
SESSIONS JUDGE, SURAT AT SURAT.**

Criminal Misc. Application No. 1347/2026

Exh. __

Applicant:

NIRANJAN DHANU GAUDA

Age: 26 years, Occupation: Labor work,

Address: Plot no.3, Room No.29, Karsan Nagar,
Ashapuri V-2, Govalak Road, Pandesara, Surat.

At Present :- Lajpore Jail.

VERSUS

Opponent:

The State of Gujarat.

Appearance:

Ld. Advocate Shri. G. G. Retiwala for the Applicant.

Ld. D.G.P. Shri. N. L. Sukhadwala for the State.

AN APPLICATION UNDER SECTION 483 OF THE BNSS

: JUDGMENT :

- 1) Present application is filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred to as “BNSS”), wherein the applicant seeks a Regular bail in connection with FIR No. C-11210045245560/20265 Registered at Pandesara Police Station, Surat, for the offences punishable under Sections 372 of the Succession Act, Indian 1925.
- 2) On being served with the process, the Ld. Public Prosecutor appeared for the opponent - State. The Investigating Officer has submitted his affidavit vide Exh. 4.
- 3) The Ld. advocate for the applicants/accused has submitted that the accused are innocent and has been falsely implicated in this case. It is further submitted that the deceased did not die immediately after the alleged incident and he succumbed to death after several days of treatment in the hospital. Therefore, according to the learned Advocate, the provisions of Section 103(1) of B.N.S. are not attracted in the present case. Learned Advocate has further submitted that as per the case papers and the charge-sheet, the conduct of the alleged eye-witnesses creates serious doubt about their presence at the place of incident as they did not immediately intervene nor did they immediately take the injured to the hospital. It is also submitted that there is no proper nexus between the injuries mentioned in the Post-Mortem report and the alleged muddamal recovered during investigation. Learned Advocate has further submitted that the Applicant has no criminal antecedents and he is a permanent resident of Surat city and therefore there is no likelihood of the Applicant absconding

or tampering with the evidence. Considering the above facts, the learned counsel prayed that the applicant be granted regular bail.

- 4) On the other hand, the Learned Public Prosecutor (Ld. DGP), appearing on behalf of the respondent-State, opposed the present bail application, arguing that during the course of investigation, statements of eye-witnesses have been recorded, who have clearly stated that the Applicant along with other co-accused persons assaulted the deceased. The witnesses have specifically stated that the Applicant dragged the deceased from the *otla* to the road along with other accused persons and assaulted him. It is further submitted that the present Applicant had inflicted blows on the head of the deceased with a wooden stick. The said act clearly indicates the intention and knowledge of the Applicant. Learned DGP has further submitted that the Post-Mortem report and the final cause of death certificate clearly mention that the deceased died due to head injury and its complications, which supports the prosecution case. It is further submitted that if the Applicant is released on bail, there is every possibility that he may influence the witnesses or tamper with the evidence. It is also submitted that the Applicant is originally a resident of the State of Odisha and therefore there is a possibility that he may abscond and may not remain present during the trial. Learned DGP has therefore prayed that considering the seriousness of the offence and the role attributed to the Applicant, the bail application may kindly be rejected.

- 5) The granting or rejecting the bail application is a discretionary relief. The Court is duty-bound to exercise its discretion judiciously, with due caution, and in strict adherence to the fundamental principles laid down by the Hon'ble Supreme Court and Hon'ble High Court in numerous decisions regarding the grant of bail. It is well established that several key factors must be considered while deciding a bail application, including, (i) the nature and seriousness of the accusation; (ii) the applicant's criminal history, if any, particularly past convictions involving cognizable offences; (iii) the likelihood of the applicant fleeing from justice; and (iv) whether the accusation appears to have been made with the intent to harass, injure, or humiliate the applicant through arrest. Also, at the bail stage, a detailed analysis of the evidence or findings that may prejudice the accused should be avoided.
- 6) I have heard the learned Advocate for the Applicant and the learned DGP for the State at length. I have also gone through the charge-sheet papers and the material placed on record. From the record it appears that the allegation against the present Applicant is that he, along with other co-accused persons, assaulted the deceased and dragged him from the *otla* to the road and thereafter beat him. **It further appears from the records that the present Applicant had inflicted blows with a wooden stick on the head of the deceased.** Also the Post-Mortem report indicate that the deceased died due to head injury and its complications. Thus, the medical evidence *prima facie* supports the allegation that the

deceased sustained head injuries during the assault. At this stage, there is sufficient prima facie material indicating the involvement of the present Applicant in the commission of the offence. It is also pertinent to note that the role attributed to the present Applicant is specific and distinct from the role of other co-accused persons who was granted bail by the Hon'ble High Court of Gujarat. The allegation against the Applicant is that he caused injury on the vital part of the body, namely the head, by means of a wooden stick. Considering the nature and gravity of the offence, the specific role attributed to the Applicant and the medical evidence on record, this Court is not inclined to exercise discretion in favour of the Applicant. I hereby pass following order in the interest of justice.

ORDER

- The application for bail filed by the present applicant-accused is hereby **Rejected**.
- Yadi of this order be sent to all the concerned for knowledge, information and compliance.

Signed and Pronounced in the open Court today i.e. on 11th March, 2026.

Date:11-03-2026
Surat.

(Rakesh Rajnikant Bhatt)
2nd Additional Sessions Judge,
Surat
(Unique ID Code: **GJ00608**)

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