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**IN THE COURT OF THE HON'BLE 6th
ADDITIONAL SESSIONS JUDGE, SURAT.**

**CRI. MISC. APPLICATION No. 1515 of 2026
Exh.**

Sr. No.	Name of The Applicant	Age	Occupation
	Nasib alias Bingo alias Mundi Jesingbhai Gamit, Resident of, Nishal Faliyu, Village - Kansali, Ta - Mangrol, Dist - Surat. At present, Central Jail, Lajpor, Surat	24 years	labour
V/s			
Sr. No.	Name of The Opponent	Age	Occupation
	The State of Gujarat Through District Government Pleader, Surat.	-	-

Sub :- Application under the provisions of Section 483 of The
Bharatiya Nagarik Suraksha Sanhita, 2023.

Appearance :-

Ld. Advocate for the applicant :- Mr. S. S. Jogiyat.

Ld. A. P. P. for the opponent :- Mr. V. L. Faldu.

:- Judgment :-

1. The applicant has filed the present application under the provisions of section 483 of The Bharatiya Nagarik Suraksha Sanhita, 2023 (herein after referred as "**The BNSS**" for short) inter – alia praying for the grant of regular bail in connection with the offenses registered as I - C. R. No. 11210004250731/2025, registered with Amroli Police Station for the alleged commission of the offenses punishable under the provision of sections 309 (4), 126 (2), 54 of the Bharatiya Nyaya Sanhita, 2023 (herein after referred to as "**The BNS**" in short) and Sec. 135 of G. P. Act.
2. The learned advocate for the applicant has submitted that, the applicant accused has been arrested on 26/02/2026 in connection with the aforesaid offense and has been kept in judicial custody since 27.02.2026. The accused is not the main accused. It is also submitted that, this Court has already released the main accused on regular bail and the role alleged to be played by the applicant is less than same and therefore, considering the principle of parity, the application of the applicant deserves consideration. The substantial investigation is over and the present applicant is not involved in the commission of crime. He has further submitted that, the accused has not committed any alleged offenses but is falsely implicated in this case. He further submitted that, the applicant - accused is innocent and has not played any part in the offenses. The applicant is not the

main accused. Further, the Id. Advocate for the applicant - accused has submitted that, so far as concerned to the past criminal antecedent, the applicant has been already acquitted in two cases and only one is pending which is petty in nature. It is further submitted that the applicant - accused is having family and resident of Surat District and hence, there is no possibility of the applicant - accused flee away or tempering the evidence of the prosecution. It is further contended by the Id. Advocate for applicant/accused that, the victim of the offense has not suffered any injuries. The applicant - accused is ready to abide by the conditions. Therefore, the applicant may be enlarged on regular bail subject to the suitable conditions. Hence, he has prayed for grant of bail with respect to the alleged offenses.

3. The learned APP has also made his oral submission by reiterating the contentions of the Investigating officer vide Exh. 4. He has vehemently opposed the bail application of the applicant - accused. He further submitted that, the accused in collusion with main accused have looted the cash from the complainant and has in aid and abatement with main accused in commission of the offense and thereafter, during the course of investigation Rs. 15,000/- is recovered from the applicant and Rs. 1,500/- is yet to be recovered from the accused and if, the present applicant-accused be released on bail than, chances to threaten the complainant and witnesses, can not be ruled out and hence will not present at the time of Trial and thus, considering the nature of allegations leveled against the applicant as well as role

attributed to be played by him in the commission of crime, the present regular bail application of the applicant may be disallowed.

4. I have carefully gone through the contentions raised by the applicant as well as contentions raised in the affidavit filed by the I. O. vide exh. 4 and police papers made available. I have also considered the role attributed to be played by the present applicant, who is alleged to be a person, who was playing a role as co-accused in the said offense. However, the accused, who was the main accused is released on the bail by The Sessions Court. I have also gone through the said order. Further, the applicant is in judicial custody. It is settled legal proposition that, at this stage, the court can not do detail examination of the evidence. It appears from the record that, no injury was caused the complainant. I have also considered the role attributed to be played by the present applicant and weapon used while committing alleged offense. Further, the applicant is in judicial custody since 27.02.2026. The muddamal cash has been recovered from the accused. Whether the same is recovered in accordance with law or not is a factual aspects of the case on hand. The applicant is also alleged to having past criminal antecedents. It is imperative to note that in some cases, the applicant has been acquitted. However, in the peculiar facts and circumstances of the case on hand, the same can be taken care of by imposing stringent condition. Therefore, taking into consideration over all facts and circumstances as well as nature of offenses, this court deems

it fit to allow the present regular bail application. Further, trial would take time and if the applicant is kept in judicial custody then it would amount to pretrial conviction. The ld. advocate for the applicant gave undertaking that, the applicant is ready to follow each and every conditions, including condition to appear before the I. O. for the purpose of investigation and therefore, taking into consideration over all facts and circumstances as well as nature of offenses and the role attributed to the applicant, this court deems it fit to allow the present regular bail application subject to the stringent conditions. The present application deserves consideration and looking to the well settled principle that, Bail is a Rule and Jail is an Exception as well as considering overall facts and circumstances, there seems to have reasonable grounds to exercise discretionary power in favour of the present applicant. Hence, the present application deserves to be allowed, and therefore, in the interest of justice, following order is passed.

ORDER

1. This application No. 1515/2026, under the provisions of section 483 of the BNSS, of the applicant is hereby allowed.
2. The applicant is hereby ordered to be released on bail under the provisions of Section 483 of The BNSS in connection with the offenses registered as I - C. R. No. 11210004250731/2025, registered with Amroli Police Station for the alleged commission of the offenses punishable under the provision of sections 309 (4), 126 (2),

54 of the Bharatiya Nyaya Sanhita, 2023 and Sec. 135 of G. P. Act, upon his furnishing personal bond of **Rs. 25,000/-** (Rupees Twenty Five Thousand Only) with surety of the like amount subject to the following condition.

Conditions :

1. He shall not take undue advantage of his liberty or misuse his liberty.
2. He shall not act in a manner injurious to the interest of the prosecution.
3. He shall surrender his passport, if any, to The Id. Trial court within a week and if, he does not possess the same, then file an affidavit to that effect.
4. He shall not leave the State of Gujarat without prior permission of the this court.
5. He shall not indulge into any criminal activities.
6. He shall mark his presence at the concerned Police Station on every Monday of each English Calendar month for a period of six months.
7. He shall furnish the present address of his residence to the I. O. and also to the Court at the time of execution of the bond and shall not change the residence without prior permission of this Court.
8. The Authorities shall release the applicant, if he is not required in connection with any other offense. If breach of any above condition is committed, The Id. Trial Court shall be at liberty to take appropriate action in accordance with

law.

Bail bond to be executed before the Id. Trial Court having jurisdiction to try the case.

Necessary Yadi be sent to the Id. trial court and concerned jail authority and Police Station.

Order is passed and Pronounced in the Open Court on this 12th Day of March, 2026.

Date :- 12/03/2026

Place :- Surat

Atk

Hiteshkumar Mukundray Vyas
6th Addl. District & Sessions Judge, Surat.
Judge Code No. GJ00834