

**IN THE COURT OF 2nd ADDITIONAL SESSIONS JUDGE
SURAT**

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Criminal Miscellaneous Application No. 1580/2026

Exh. _____

Applicant :

Anuj Kumar Soni,
Age: 40 years, Occupation: business,
Residing at : Ward No. 33, Near New Gnaga Mai Road,
Goushala Road, Sardarshahar,
Churu, Rajasthan 331403
(at present in judicial custody)

Versus

Opponent :

The State of Gujarat,
Through Public Prosecutor,
District Court, Surat.

Sub: An application for anticipatory bail U/S 482 of BNSS

Offence: Part-A C.R. No.11210060252457/2025,
registered with Varachha Police Station, Surat
under Section 316(5), 54 of BNS.

Appearance :-

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Mr. Neel Lakhani,	Ld. Advocate for the applicant,
Mr. N.L. Sukhadwala,	Ld. DGP/PP for the opponent.

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1. The present application is filed under Section 482 of BNNS Act, 2023 as the applicant apprehends his arrest in connection with the First Information Report C.R.No. Registered with Varachha Police Station Part A- No.11210060252457/2025 for the offences punishable under section 316(5), 54 of BNS.
2. On presentment of application, notice issued to the other side, who has appeared through PP and the I.O. has submitted objections on affidavit which is at Exh. 4.
3. Learned advocate Mr.Lakhani has vehemently submitted that the It is further submitted that looking to the contents of application and the FIR, it appears that Rs.19,68,000 mentioned in the application, whereas Rs.18,82,000 mentioned in the FIR, as there is discrepancies in the complaint and the application. The applicant is innocent and has not committed any offence whatsoever as alleged in FIR and no prima facie case is against him. The applicant is implicated falsely with ulterior motive and no prudent person shall rely upon the facts of FIR. There is delay of about 1 year in filing the complaint, for which no reasonable explanations has been made in the complaint. It is submitted that the transaction happened in Mumbai and the alleged transactions as described in FIR has not occurred in Varachha area, and therefore it is barred by the jurisdiction and therefore the applicant deserves to be enlarged on anticipatory bail. It is submitted that the entire dispute is regarding payment of amount arising from commercial transaction which is a civil dispute and

does not construe any criminal offence. It is submitted that Dharmeshbhai was enlarged on bail by this Court. The investigation is over and therefore the applicant has no criminal antecedents. It is further submitted that the applicant-accused is ready to abide by the all terms and conditions which may be imposed by the court and therefore, urged to allow the application.

4. *Per contra*, Learned PP Mr. Sukhadwala appearing for the respondent-State has submitted that there is prima-facie case against the present applicant who received the consideration amount, but not delivered the imported gold as decided amongst them. The statement of the Angadia is on record. Considering the role of present applicant, this application may be rejected.

5. I have heard the learned advocates appearing for the respective parties. I have also gone through the papers and perused the entire record and examined the case materials available on record. It is well settled that every bail application is required to be decided on the merits of each case. Further, 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. It appears that the complainant has lodged a complaint against the present applicant-accused for the commission of offence registered with Varachha Police Station C.R.No. Part A-No.11210060252457/2025 for the offences punishable under section 316(5), 54 of BNS.

7. On perusal of FIR, it appears that the applicant through the accused No.1 has given introduction with the complainant. It is alleged to have been received the amount to the tune of Rs.18,82,000, however imported gold as discussed amongst them has not been delivered to the complainant. It also transpires from the affidavit of the IO that the investigation is over and the chargesheet has been filed being Criminal Case No.339449/2025. Considering the dispute, it appears that there is no need for custodial interrogation as well as the IO has not pointed out such need. The allegations are under section 316(3) and 54 of BNS. On perusal of police papers, it appears that the applicant/accused is resident of Churu Rajasthan. From the affidavit of IO, it is revealed that the applicant/accused has NO criminal antecedent. Other accused was released on bail by this Court. Thus, after hearing the respective parties, and also considering the

contentions of FIR, this is a fit case to exercise discretionary powers in favour of the applicant. The applicant has made out a case for anticipatory bail. The offence is a civil in nature. Considering the nature of accusation and the severity of punishment in case of conviction and the nature of supporting evidence, reasonable apprehension of tampering with the witness or apprehension of threat to the complainant, and *prima facie* satisfaction of the court in support of the charge, the character of the accused, circumstances which are peculiar to the accused, reasonable possibility of securing the presence of the accused at the trial, and other similar considerations and applicant assured his presence during the trial etc. And as per the judgment of *Siddharam Satlingappa Mehetre Vs. State of Maharashtra, Cri.Appeal No. 7615 of 2009, Sushila Agarwal and others vs. State (NCT of Delhi) and others*, in the opinion of this court, this is a fit case where discretionary powers is required to be exercised in favour of the present applicant-accused by imposing strict conditions. Hence, considering the peculiar facts of the present case, in the interest of justice, I pass the following final order.

ORDER

The present application stands **Allowed**

The applicant-accused **Anuj Kumar Soni** in the event of his arrest, he is ordered to be released on bail in connection with offence registered with Varachha Police Station being Part-A C.R. No.11210060252457/2025, registered with Varachha Police Station,

Surat under Section 316(5), 54 of BNS, on executing a bond of Rs.25,000/- (Rupees Twenty Five Thousand only) with one surety of the like amount and subject to the conditions that the applicant-accused shall;

- a) The applicant-accused shall continue to co-operate with the investigation. He will make himself available for interrogation on **18.03.2026** at 11.30 hrs. for all investigative purposes, and also whenever required; and as directed/called for by the IO;
- b) The applicant shall not obstruct the process of investigation in any manner. He shall not directly or indirectly induce threat or extend promise to any witness so as to dissuade and prevent such witness from disclosing such facts as may be required, to the court or police officer;
- c) The applicant-accused shall not act in a manner injurious to the interest of the prosecution;
- d) The applicant-accused shall at the time of execution of bond, furnish full address of his residence to the court and to the IO also and they will not change his address without prior permission of the concerned trial court;
- e) The applicant shall to maintain law and order;
- f) the applicant shall not take undue advantage of his liberty
- g) the applicant shall not act in a manner injurious to the interest of the prosecution
- h) the applicant shall regularly remain present before the Court concerned and cooperate in expeditious trial

In breach of any conditions of bail, the bail is liable to the cancelled. Bail bond to be executed before the lower court. Yaadi be sent accordingly. Nothing stated herein-above,

shall tantamount to the expression of any opinion on the merits of this case. The observations are made only for the purpose of deciding the bail application.

Yadi be sent to concerned court/concerned police station.

Order pronounced and signed in open court today i.e. On 9th day of March, 2026.

Date : 09.03.2026
Place: Surat.

[Rakesh Rajnikant Bhatt]
2nd Additional Sessions Judge
Surat Code No. GJ00608

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