



**IN THE COURT OF 8TH ADDITIONAL SESSIONS JUDGE,
SURAT**

Cr.M.A.S. No. 1585 of 2026

Exh:- _____

Applicant/accused:-

Sanjay Hariram Yadav

Age : 46 Years, Occupation- Driver,

Residing at: Gangavihar Colony, Near B.P. Petrol Pump,
Jaipur, Rajasthan.

At present : Central Jail Lajpore, Surat.

Versus

Opponent :-

The State of Gujarat

Appearances :-

Ld. Advocate Mr. S. S. Katiyar for the Applicant.

Ld. APP Mr. S. K. Gohil for the Opponent-State.

~:: J U D G M E N T ::~

1. The is an application filed by the applicant/accused under Section 483 of BNSS, 2023 for being released on bail in connection with the offences registered at **Hazira** Police Station vide Crime Register No. 11210001260031 of 2026

under Sections 303(2), 316(3), 317(4), 287, 288, 61(2), 54, and 3(5) B.N.S., 2023.

2. The notice was issued to the respondent State of Gujarat. The Ld. Public Prosecutor has appeared before the court. The investigating officer has submitted his affidavit against the present bail application vide Exh. 4.

Submission on behalf of Applicant-accused.

3. Heard the Ld. Adv. for the accused-applicant. He contended that there is no prima facie evidence against accused to book him in this case. He further contended that the accused has been falsely implicated in this case and he is totally innocent. He further contended that the presence of accused would be easily available at the time of trial. He further contended that the accused-applicant is ready to comply any conditions that may be imposed by your Honour court. He further submitted that co-accused Nitinbhai has been enlarged on regular bail by Hon'ble High Court vide its order dated 25.02.2026 passed in Cr.M.A. No. 4830 of 2026. Hence, prayed for allowing the application.

Submission on behalf of State.

4. Heard the Ld. APP. He submitted that the offence is serious one and the role of the accused is there. Hence, the application should be rejected since the alleged offence is serious.

Position of law governing bail.

5. It has been observed by the Hon'ble Supreme Court in "Ram Govind Upadhyay v. Sudarshan Singh" reported in

AIR 2002 SUPREME COURT 1475 in para-3 and 4 as under;

“While placement of the accused in the society, though may be considered but that by itself cannot be a guiding factor in the matter of grant of bail and the same should and ought always be coupled with other circumstances warranting the grant of bail. The nature of the offence is one of the basic consideration for grant of bail - More heinous is a crime, the greater is the chance of rejection of the bail, though, however dependent on the factual matrix of the matter. Some of the other relevant considerations are :-

(a) While granting bail the Court has to keep in mind not only the nature of the accusations, but the severity of the punishment, if the accusation entails a conviction and the nature of evidence in support of the accusations.

(b) Reasonable apprehensions of the witnesses being tampered with or the apprehension of there being a threat for the complainant should also weigh with the Court in the matter of grant of bail.

(c) While it is not accepted to have the entire evidence establishing the guilt of the accused beyond reasonable doubt but there ought always to be a prima facie satisfaction of the Court in support of the charge.

(d) Frivolity in prosecution should always be considered and it is only the element of genuineness that shall have to be considered in the matter of grant of bail and in the event of there being some doubt as to the genuineness of the prosecution, in the normal course of events, the accused is entitled to an order of bail”.

6. The Hon'ble Apex Court has observed in "Sanjay Chandra Vs. C.B.I" reported in AIR 2012 S.C page no-830 in para-14 of its judgment as under;

"In bail application, generally, it has been laid down from the earliest times that the object of bail is to secure the appearance of the accused person at his trial by reasonable amount of bail". And Hon'ble Apex court has reaffirmed, reiterated and reinforced the principle that "grant of bail is rule and refusal to bail is an exception' in the said judgment".

7. The Hon'ble Supreme Court in "Dataram Singh vs. State of U.P" 2018 (3) SCC 22 has held in para-2, 4 and 6 as under;

2. There is no doubt that the grant or denial of bail is entirely the discretion of the judge considering a case but even so, the exercise of judicial discretion has been circumscribed by a large number of decisions rendered by this Court and by every High Court in the country. Yet, occasionally there is a necessity to introspect whether denying bail to an accused person is the right thing to do on the facts and in the circumstances of a case.

4. To put it shortly, a humane attitude is required to be adopted by a judge, while dealing with an application for remanding a suspect or an accused person to police custody or judicial custody. There are several reasons for this including maintaining the dignity of an accused person, howsoever poor that person might be, the requirements of Article 21 of the Constitution and the fact that there is enormous overcrowding in prisons, leading to social and other problems as noticed by this Court in *Inhuman Conditions in 1382 Prisons*, *In re [Inhuman Conditions in 1382 Prisons, In re, (2017) 10 SCC 658 : (2018) 1 SCC (Cri) 90]* .

6. However, we should not be understood to mean that bail should be granted in every case. The grant or refusal of bail is entirely within the discretion of the judge hearing the matter and though that discretion is unfettered, it must be exercised judiciously and in a humane manner and compassionately. Also, conditions for the grant of bail ought not to be so strict as to be

incapable of compliance, thereby making the grant of bail illusory.

Analysis.

8. Looking to the FIR it appears that it is alleged in the FIR that the accused have in abetment and in pursuance to the criminal conspiracy stolen the chemical from the tankers by taking property on rent and disposed of chemical without taking due care of inflammation and thereby committed alleged offence. It is stated in the affidavit of IO that the applicant-accused herein is the driver of vehicle carrying chemical therein from Adani Port to Bharuch. The argument of the Ld. Advocate for the applicant-accused that he has been falsely implicated cannot be accepted at this stage. The earlier application filed by applicant herein vide CrMA No. 894 of 2026 has been rejected by this Court vide order dated 16.02.2026 and investigation is pending and no charge-sheet has been submitted. Hence, merely because other co-accused has been enlarged on regular bail by Hon'ble High Court does not by itself entitle the applicant herein to be enlarged on regular bail. Further, the Hon'ble High Court while releasing co-accused Nitinbhai has observed that prima facie it would appear that applicant would not have any connection with the principle offence whereas applicant herein is the driver of the vehicle carrying chemical therein from Adani Port to Bharuch. So, no parity is applicable in the present case.
9. Under such circumstances and aforesaid reasons, the discretionary power under Section-483 of BNS, 2023

may not be exercised in favour of the accused. In view of the aforesaid discussion, this court declines to grant this application for bail. So in view of the aforesaid reasons, I hereby pass following order in the interest of justice.

:- Order :-

The application for bail filed by the present applicant-accused is hereby ordered to be **Rejected**.

Date : 13.03.2026
Place: Surat

[Amitkumar Narendrabhai Dave]
8th Additional Sessions Judge, Surat
UIC No.GJ00807.