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Decided on	09	03	2026
Duration	YY	MM	DD
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**IN THE COURT OF 2nd ADDL. SESSIONS JUDGE,
SURAT
(Presided Over by R.R.BHATT)**

CRIMINAL MISC. APPLICATION NO. 1604 of 2026

Exh:- _____

Applicant/accused:-

CHIRAG ASHOKBHAI UDVIYA

Age : 32, Occupation- Business,

Residing at : 85, Santoshnagar, Varachha Road,

Kapodra, Surat.

Versus

Opponent :-

THE STATE OF GUJARAT

Appearances :-

Ld. Advocate Shri. **R. V. MODI** for the Applicant.

Ld. DGP Mr. **N. L. SUKHADWALA** for the Opponent-State.

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

1. This application filed by the applicant/accused under Section 482 of BNSS, 2023 for being released on bail in connection with the offences registered at Udhana Police Station vide C.R. No. Part-A-11210047250691/2025 for having committed offences under Sections 308(2), 308(5), 352, 351(3), 54 of The Bharatiya Nyaya Sanhita, 2023.
2. The notice was issued to the respondent State of Gujarat. The Ld. DGP has appeared before the court. The investigating Officer has submitted his affidavit vide Exh. 04 opposing bail application.
3. Ld. Advocate for the Applicant/accused submitted that the applicant is innocent and has not committed any offence as alleged in the FIR. It is contended that the applicant has been falsely implicated in the present case and has no direct or indirect involvement in the alleged incident. It is further submitted that the alleged incident is stated to have occurred during the period from 20.06.2024 to 05.12.2024, whereas the complaint has been lodged on 17.04.2025, after an unexplained delay of about nine months and twenty-eight days. No satisfactory explanation for such delay has been provided by the complainant, which creates serious doubt regarding the genuineness of the allegations. The learned advocate further argued that the allegations made in the complaint are fabricated and baseless. It is submitted that the applicant has never met the complainant and has never demanded any money from him. It is also

submitted that the applicant is neither involved in any illegal activity nor connected with the alleged acts mentioned in the FIR. It is further submitted that the applicant is a resident of Surat and is engaged in lawful business to maintain his family. The applicant is a respectable person in society and enjoys a good reputation in the business community. The learned advocate further submitted that several co-accused persons have already been granted bail either by the Sessions Court or by the Hon'ble High Court on similar allegations and therefore on the principle of parity, the present applicant also deserves the same relief. It is further argued that the offences alleged do not carry punishment of death or imprisonment for life. It is further submitted that custodial interrogation of the applicant does not required in the present case. The accused having roots in the community would deter him from fleeing from justice as well as bail should be granted in economic offences, considering the gravity of offence and attendant circumstances with the period of sentence. Hence, he has prayed for allowing the present Bail Applicant and releasing him on anticipatory Bail.

4. Per contra, Ld. DGP has opposed the present application for grant of anticipatory bail vehemently submitted that the offence alleged against the applicant is serious in nature. It is submitted that the complainant was carrying out construction work at the site situated at Lakshminarayan Industrial Park, Udhna, Surat during the year 2024. During

that period, the accused persons allegedly approached the complainant, took photographs of the construction site and demanded an amount of Rs.30,00,000/- by threatening that if the amount is not paid, they would make complaints to the Surat Municipal Corporation and initiate demolition proceedings against the construction. It is further submitted that due to fear of harassment and financial loss, the complainant allegedly paid an amount of Rs.22,00,000/- in installments to the accused persons. The learned APP submitted that the present applicant is also one of the accused persons involved in the said acts and that he, being aware of legal procedures, demanded money from the complainant by threatening to make complaints to the municipal authorities. It is further argued that if the applicant is released on anticipatory bail, there is a possibility that he may tamper with the evidence or influence the witnesses and may threaten the complainant. The learned APP therefore prayed that considering the seriousness of the allegations, the anticipatory bail application may 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 APP for the State. I have also perused the material available on record. It appears from the record that the alleged incident is stated to have taken place between 20.06.2024 and 05.12.2024, whereas the FIR has been lodged on 17.04.2025, after a considerable delay for which no satisfactory explanation is forthcoming. It is also noticed that several co-accused persons involved in the same offence have already been granted bail by the competent courts. Therefore, on the ground of parity, the case of the present applicant deserves consideration. Considering, the role and nature of allegations, gravity of offences, role attributed to the accused and without discussing the evidence in detail, at this stage and looking to the possibility of accused availability at the time of investigation and trial, this is an appropriate case to use discretionary power under Section 482 of the BNSS and release the applicant on bail subject to certain strict conditions.

:- ORDER :-

- Present Criminal Misc. Application No. 1604 / 2026 of applicant namely **CHIRAG ASHOKBHAI UDVIYA** , in connection with his arrest, under Section 482 of BNSS is hereby allowed and the present applicant is ordered to be released (enlarged) on anticipatory bail in connection with the offences registered at Udhana Police Station vide FIR bearing No. Part-A-11210047250691/2025 for having committed offences under Sections 308(2), 308(5), 352, 351(3), 54 of The Bharatiya Nyaya Sanhita, 2023, on his executing surety of Rs.25,000/- (in words Rupees Twenty Five Thousand only) and personal bond of like amount subject to following conditions that;

CONDITIONS :

- I.** Shall co-operate with the investigation and make himself available for interrogation and investigation whenever required;
- II.** The applicant shall produce on Affidavit his present and permanent address along with address proof and mobile number and shall not change the same without prior permission of trial Court.
- III.** The applicant shall not take undue advantage of his liberty or abuse his liberty and must not involve in any offence of like nature;
- IV.** The applicant shall not influence the prosecution witnesses;
- V.** **The applicant shall remain present before**

the concerned I.O. for interrogation on 16th of March, 2026 between 10 A.M. to 6 P.M.

VI. The applicant shall regularly remain present during the trial before trial court.

VII. The applicant shall not to leave India without prior permission of this court;

VIII. The applicant shall deposit his original passport with the court and if he does not possess passport then affidavit to that effect shall be filed.

IX. The applicant shall not tamper with evidence;

- Bail & Bond be produced before the concerned Police Station.

Pronounced and signed in open court today i.e. On 09th March, 2026.

Date : 09.03.2026

Place: Surat.

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