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

**CRI. MISC. APPLICATION No. 1811 of 2026  
Exh.**

Sr. No.	Name of The Applicant	Age	Occupation
	Siraj Usmam Mastar Resident of, Hathoda Gam, Patil Faliyu, Taluka - Mangrol, Surat.  At present, Lajpor Central Jail, Lajpor, Surat	57 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. R. M. Ansari.  
Ld. A.P.P. for the opponent :- Mr. V. L. Faldu.

**:- Judgment :-**

1. The present bail application has been preferred by the

applicant to grant regular bail under the provisions of section 483 of The Bharatiya Nagrik Suraksha Sanhita, 2023 (herein after referred as "The BNSS" for short) in connection with the offense registered with Kamrej Police Station vide C. R. No. 11214020260569/2026 for the alleged commission of offense punishable under the provision of section 5, 6, 8 of Bombay Animal Preservation Act, 1954, Section 6(a)(b), 8(b), (4) of The Gujarat Animal Preservation (Amendment) Act, 2017.

2. The learned advocate for the applicant has submitted that, this is first bail application of the applicant accused. It is further submitted that, the accused is arrested in respect to the aforesaid offense on 20/02/2026 and has been kept in judicial custody after completion of remand period. He has further submitted that, the applicant - accused is innocent and he has not committed any alleged offense but is falsely implicated in this case. Further, the applicant does not possessed any muddamal and considering the role alleged against the applicant. He has, after going through the contentions raised in the present application, submitted that, the story of the complainant is got up and the applicant has not committed any offense as alleged. It is also submitted that, there is no any prima facie case against the applicant/accused. The applicant - accused is residing at Mangrol, Surat with his family, and he will be readily available for the trial and also for investigation purpose. Considering the time spent in investigation, it appears that,

substantial investigation is over and he will obey the conditions which may be imposed upon him by the court and will remain present before this court, and hence, it is prayed to allow this regular bail application.

3. The Id. A.P.P for the opponent has made his oral submissions by reiterating the contentions raised in the affidavit filed by the I.O. vide Exh. 4. It is further submitted that, the applicant accused was transporting the muddamal. The applicant accused was also aware about the person, who had given him the muddamal and to whom the muddamal was to be supplied and therefore, considering the said facts, there is a prima facie case against the accused and the co-accused are yet to be arrested and thus prima facie, it shows that the accused is involved in the said offense and has committed the crime. Further, the present applicant is also having past criminal antecedents of committing the similar offense in past. The investigation is going on and it is at crucial stage and therefore, if he be released on bail then he would jump on the bail and will not cooperate with the investigation and chances of his repeating the crime can not be ruled out and also set wrong example for the society and therefore, prayed for the rejection of the application filed by the applicant/accused.
4. I have considered the rival submissions advanced by the Id. Advocates for the respective parties and police papers made available on record. The applicant/accused is alleged to have

committed the offense punishable under the provisions of section 5, 6, 8 of Bombay Animal Preservation Act, 1954, Section 6(a)(b), 8(b), (4) of The Gujarat Animal Preservation (Amendment) Act, 2017.

I have carefully gone through the rival submissions advanced by the Id. Advocate for the respective parties. I have carefully gone through the police papers produced by the Investigating Officer. It is imperative to note that, the accused is alleged to have committed the offense punishable under the provisions of section as mentioned herein above. It is alleged that, the applicant accused is the person, who was transporting the alleged muddamal and was also arrested in commission of similar kind of offense. Further, the accused is alleged to have committed serious offenses and the co accused are yet to be arrested. Therefore, if the applicant is released on bail than chances of flee from justice, repeating the crime and/or misuse of liberty can not be ruled out.

It is settled position of law that, while deciding bail application, two aspects in form of individual's liberty and social interest are required to be considered simultaneously. The object of bail is neither punitive nor preventive. The jurisdiction to grant or reject bail is to be exercised on the basis of well settled principles having regard to the circumstances of each case and not in arbitrary manner. It is also required to note that, at the time of deciding bail

application, the Court is not required to appreciate and scrutinize the evidence in great detail, but the Court is required to see prima facie case or involvement and relevant factors like nature of offense, manner in which the offense has been committed, role or contribution and other authentic circumstances are required to be considered.

Upon perusal of the bail application, affidavit of the investigation officer along with case papers and upon hearing both the parties, it appears that the FIR has been registered for the offenses punishable under the provisions of The IPC and punishable under the other law as narrated herein above. Now upon going through the facts and Affidavit and papers produced on the desk of the Court, it appears that, the prima facie allegations has been made against the Applicant/ Accused. Further, upon perusal of the affidavit of Investigation Officer, it appears that, the present offense appears to be serious in nature and prima facie involvement of the accused is found. The applicant accused is also having past criminal antecedent. Further, at this stage, the investigation is pending in case and therefore, if the applicant/accused is released on bail then it may cause hindrance in the fair investigation.

Thus, at this stage, as the investigation is pending in case and it is at crucial stage and therefore, if the applicant/accused is released on bail then it may cause hindrance in the fair investigation and hence, in view of the

above discussions and in the interest of the justice,  
following order is passed.

**ORDER**

The application filed by the applicants under the provisions  
of section 483 of The BNSS is hereby disallowed and  
rejected.

Order is passed and Pronounced in the Open Court  
on this 18th Day of March, 2026.

Date :- 18/03/2026

Place :- Surat

**Hiteshkumar Mukundray Vyas**

6th Addl. District & Sessions Judge, Surat.

Judge Code No. GJ00834

Atk