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Exh.	

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

**CRI. MISC. APPLICATION No. 1831 of 2026**

Sr. No.	Name of The Applicant	Age	Occupation
	Nitinbhai Mansukhbhai Mangaroliya Resident of, B/39, Rukshamani Soc., Kargil Chowk, Punagam, Surat.	36 years	Business
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 482 of The BHARATIYA NAGARIK SURAKSHA SANHITA, 2023.

**Appearance :-**

Ld. advocate for the applicant :- Mr. P. D. Boda.

Ld. A. P. P. for the opponent :- Mr. R. P. Dobariya.

**:- Judgment :-**

1. The applicant has filed the present application under the provisions of section 482 of The Bharatiya Nagarik Suraksha Sanhita, 2023 (herein after referred as "**The BNSS**" for short) inter – alia praying for the grant of

anticipatory bail apprehending his arrest in connection with the offenses registered with Puna Police Station vide I - C. R. No. 11210046260285/2026 for the alleged commission of offenses punishable under the provision of section 316 (5), 318 (4) and 54 of The Bharatiya Nyaya Sanhita, 2023 (hereunder referred as "The BNS" for short).

2. The learned advocate for the applicant has submitted that, the applicant has not committed any offense but he is falsely involved in this case. The story of the complainant is got up and the applicant has not done any fraud and is not involved in breach of trust in any financial transactions. It is also submitted that, there is no any prima facie case against the applicant/accused. It is further submitted that, the applicant is not directly involved in the said offense. The complaint is lodged with an ulterior motive to falsely implicate applicant. No custodial interrogation or custody of the applicant is necessary for recovery or discovery. In this case also, he, being a broker, manage to get brokerage of job work from the parties for the goods. However, the other co-accused have not paid the job work amount of goods to the complainant. Thus, it is purely a civil disputes. Further, the applicant accused having no any criminal antecedents. Further submitted that the applicant is a young person and have good status in the society. The applicant - accused is residing at Surat, and he will be readily available for the trial and also for investigation purpose, and hence, there is sufficient reason to use the discretion, and it is prayed to

allow this anticipatory bail application.

3. The ld. A.P.P for the opponent has made his oral submissions by reiterating the contentions raised in the report filed by the I.O. vide Exh. 4. The ld. A.P.P. for the opponent has submitted that, **during the period from 12/05/2025 to 02/08/2025, the complainant was given the job work on material supplied by the present accused and the complainant has completed the said work worth Rs. 29,60,431/-.** The present applicant is the broker and used to act as such for the other accused. Thereafter, the applicant has made several request to pay the money. However, they have not paid the amount and have run away by closing their shops. Further, the applicant accused had issued 11 cheques, which all were dishonored and therefore, **prima facie involvement of the applicant accused is found.** At present, the investigation in at initial stage, the involvement of the applicant/accused is being prima facie found and therefore, the custodial interrogation can not be ruled out and if the protection of the anticipatory bail is given to the applicant, it will create hindrance in the fair investigation and therefore, has prayed for the rejection of the application.
4. I have carefully gone through the rival submissions advanced by the ld. Advocate for the respective parties. I have carefully gone through the police papers produced by the Investigating Officer Exh. 4. It is imperative to note that,

the accused is alleged to have committed the offenses punishable under Sec. 316 (5), 318 (4) and 54 of The Bharatiya Nyaya Sanhita, 2023.

On carefully going through the factual aspects of the case along with submissions advanced by the parties, respectively, at this stage, without going into the detail of evidence and considering the entire factual aspects of the case as aforesaid, it appears that, the accused is charged for commission of offenses punishable under the provision of sections as aforesaid. Therefore, considering the facts of the case, it appears that, the investigation is in motion qua the applicant. Further, considering the facts revealed during the course of investigation as mentioned in the affidavit of the IO vide exh. 4, it appears that, the involvement of the applicant accused can not be ruled out completely. The applicant is evading process of law since commission of offense and thus, it appears that, he is involved in serious kind of offense and therefore, as a fair investigation, at this stage, the requirement of custodial interrogation can not be ruled out completely.

Hence, considering factual aspects of the case on hand, it transpires that, for the purpose of fair investigation, the custodial interrogation of accused - applicant can not be ruled out completely. The investigation is at initial and crucial stage qua the applicant and hence, the anticipatory bail cannot be granted to the accused - applicant and

therefore, without going into the merits of this case as well as in view of this court, at this stage no exceptional circumstances are made out to exercise the power vested u/s 482 of the BNSS and therefore, this court does not inclined to exercise its discretionary power in favour of the applicant and hence, in the interest of justice, following order is passed.

### ORDER

The application filed by the applicant – accused under the provisions of Section 482 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

Hiteshkumar Mukundray Vyas

Place :- Surat

6th Addl. District & Sessions Judge, Surat.

Judge Code No. GJ00834

Atk