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**IN THE COURT OF 2nd ADDITIONAL DISTRICT &
SESSIONS JUDGE, SURAT AT SURAT.**

Criminal Misc. Application No. 1836/2026

Exh. ___

Applicants:

1. DHIRAJ SANJAY MALI

Age: 27 years, Occupation: Serice,

R/O Room no. L/3, Prerna Colony Old Village, Ta-
Choryasi, Surat.

At Present :- Lajpore Jail, Surat.

2. PRADIP PURANMASI GUPTA

Age: 19 years, Occupation: Storekeeper,

R/O Bhatlai Gam, In the house of Manharbhai Patel,
Ta-Choryasi, Surat.

At Present :- Lajpore Jail, Surat.

3. SANTOSHKUMAR JAPAS MAHANTO

Age: 36 years, Occupation: Helper,

R/O D/16, Pratishtha Colony Mora Gam, Ta-
Choryasi, Surat.

At Present :- Lajpore Jail, Surat.

VERSUS

Opponent:

The State of Gujarat.

Appearance:

Ld. Advocate Shri. D. S. Sharma for the Applicants.

Ld. D.G.P. Shri. N. L. Sukhadwala for the State.

AN APPLICATION UNDER SECTION 483 OF THE BNSS

: JUDGMENT :

- 1) Present application is filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred to as “BNSS”), wherein the applicant seeks a Regular bail in connection with FIR No. C-11210001260050/2026 registered at Hazira police station, Surat, for the offences punishable under sections 109(1), 189(2), 190, 191(2), 126(2), 132, 324(4), 351(3), 61(2)(1), 238 of the Bharatiya Nyaya Sanhita, 2023 and section 3, 4 of the Prevention of Damage To Public Property Act, 1984.
- 2) On being served with the process, the Ld. Public Prosecutor appeared for the opponent - State. The Investigating Officer has submitted his affidavit vide Exh. 4.
- 3) The Ld. advocate for the applicants/accused has submitted that applicants are innocent persons and have been falsely implicated in the present offence. It is further submitted that the applicants/accused were arrested on 28/02/2026 and produced before the Court on 01/03/2026. After one day of police remand, the applicants are presently in judicial custody. This is the first bail application before this Hon'ble Court. It is further submitted that Co-accused Wasim and Noori and Shoaib have already been released on bail by this

Hon'ble Court. The role attributed to the present applicant is similar to that of the said co-accused, and therefore the applicants are entitled to bail on the ground of parity. It is further submitted that the applicants are a permanent resident of Surat, residing here for many years and possessing movable and immovable properties. The applicants undertake not to misuse the liberty of bail. This clearly demonstrates that the applicants have co-operated with the investigation and never attempted to abscond or evade the process of law. The applicants are earning their livelihood through job/work, and they are the sole bread earners of their respective families and if they are not released on bail, the same would amount to pre-trial punishment. Learned advocate further submitted that the applicants have clean antecedents and are permanent residents of India having deep roots in society. Therefore, there is no possibility of the applicants absconding. Thus, it is prayed that the present applicants may kindly be enlarged on regular bail on appropriate terms and conditions.

- 4) On the other hand, the Learned Public Prosecutor (Ld. DGP), appearing on behalf of the respondent-State, opposed the present bail application, arguing that the present offence arises out of a serious incident that occurred at the premises of AM/NS India at Hazira where a large number of workers formed an unlawful assembly and created a violent situation. Learned DGP submitted that the applicants along with other accused persons had formed an unlawful assembly and indulged in rioting, stone pelting and violent acts against

police officials and company authorities. It is further submitted that during the course of the incident, police personnel were attacked with stones, iron rods and other dangerous objects. Government vehicles and private vehicles were damaged and set on fire and CCTV cameras installed at the premises were destroyed. Learned DGP further submitted that during the course of the incident, a hand grenade was snatched from the police officer and thrown inside a police vehicle which exploded and caused serious injuries to the Police Inspector and other police personnel. It is further submitted that more than 5000 workers had gathered at the spot and created a situation of fear and terror, resulting in serious disturbance of public order. Learned DGP also submitted that several witnesses including police personnel and security staff have supported the prosecution case and have identified the accused persons involved in the incident. It is further submitted that the investigation of the case is still in progress and the role of each accused person is yet to be fully ascertained. Learned DGP submitted that if the applicants are released on bail at this stage, there is every possibility that they may tamper with the evidence or influence witnesses. It is also submitted that the applicants are residents of other states and there is a likelihood that they may abscond and may not remain available during the course of trial. Therefore, it is prayed that considering the seriousness of the offence and the stage of investigation, the present bail application deserves to 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 applicants and the learned DGP for the State. I have also perused the material placed on record. The applicants are alleged to be involved in offences punishable under various provisions of the Bharatiya Nyaya Sanhita as well as Sections 3 and 4 of the Prevention of Damage to Public Property Act, 1984 in connection with FIR registered at Hazira Police Station. From the record, it appears that a large number of workers had gathered at the premises of AM/NS India and had formed an unlawful assembly which resulted in violent acts including stone pelting, damage to public and private property, and injuries to police personnel. It further appears that during the course of the incident, government vehicles,

private vehicles and CCTV cameras were damaged and a serious law and order situation had arisen. At this stage, the investigation of the case is still in progress and the exact role of each accused person is yet to be fully determined. Considering the nature and gravity of the allegations and the fact that the investigation is still ongoing, and this Court is of the opinion that if the applicants are released on bail at this stage, there is a possibility that they may interfere with the investigation or tamper with the evidence. Therefore, this Court is not inclined to exercise discretion in favour of the applicants. I hereby pass following order in the interest of justice.

ORDER

- The application for bail filed by the present applicants-accused is hereby **Rejected**.
- Yadi of this order be sent to all the concerned for knowledge, information and compliance.

Signed and Pronounced in the open Court today i.e. on 17th March, 2026.

Date:17-03-2026
Surat.

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

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