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

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CRI. MISC. APPLICATION No. 1902 of 2026

Exh. No. _____

Sr. No.	Name of The Applicant	Age	Occupation
	Sunilbhai Rameshbhai Soni (Vaya) Resident of, B-203, Vrajdharm Apartment, Raida Road, Rajkot. At present, Central Jail, Lajpor, Surat.	38 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 483 of The
BHARATIYA NAGARIK SURAKSHA SANHITA,
2023.

Appearance :-

Ld. Advocate for the applicant :- Mr. T. K. Chavda.

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

:- 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 Nagarik Suraksha Sanhita, 2023 (herein after referred as "**The BNSS**" for short) inter – alia praying for the grant of regular bail in connection with the offense registered as C. R. No. I-63/2016, registered with Mahidharpura Police Station for the alleged commission of the offenses punishable under the provision of sections 406, 420 of the Indian Penal Code, 1860 (herein after referred to as "**The IPC**" in short).
2. The ld. advocate for the applicant has made his oral submissions by reiterating the contentions of the application under consideration. 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. It is submitted that he was arrested on the basis of suspicion. It is submitted that the applicant accused has not received any financial benefit and he has not involved in any business transactions and the role of the applicant accused has not been shown and established by the complainant. Further submitted that the said offense has occurred in 2015 and the

complaint has been filed in the year 2016 and the reason for delay in filing the said complaint has not been explained by the complainant and during the occurrence of the said offense the applicant - accused was serving in Dubai. Thus, if applicant released on bail he will remain present as and when required in the trial and he will not flee away from the trial. The applicant - accused is the sole bread earner of his family. Further Id. Advocate for the applicant - accused has submitted that, the applicant - accused is ready to abide by the conditions. Therefore, the applicant may be enlarged on regular bail subject to the suitable conditions. Hence, he has prayed for grant of bail with respect to the alleged offense.

3. The learned A.P.P. has also made his oral submission by reiterating the affidavit filed by the I. O. vide Exh. 5. **It is further submitted that, the accused has purchased diamonds of worth Rs. 25,64,412/- from the complainant and witnesses on credit and did not make the payment and fled away and therefore, has committed offense of cheating with the complainant and other witnesses, who are also victim in this case. It is also submitted that, earlier the accused has evaded the process of law for consideration a long time and therefore, the IO has obtained non bailable warrant against the accused on 14.10.2016 and thereafter, till 06/03/2026, the accused could not be found. It is also submitted that, the applicant accused is also having past criminal antecedents as mentioned in the affidavit. Further,**

earlier the applicant has filed anticipatory bail application before this court, which was disallowed. Thereafter, the applicant has filed anticipatory bail application before Hon'ble The High Court, which also was withdrawn. Further, during the period from commission of offense till the date of his arrest, he had visited foreign countries and therefore, chances of his misusing liberty or non cooperation with the investigation can not be ruled out. The investigation is pending and other aspects with muddamal are under investigation and therefore, if the accused is given bail, than chances of misusing his liberty or acting against the interest of prosecution can not be ruled out and therefore, prayed for rejection of the bail application.

4. I have considered the rival submissions advanced by the Id. advocates for the respective parties, the applicant/accused is alleged to have committed the offenses punishable under the provisions as mentioned above. The applicant accused is alleged to have committed the aforesaid offenses punishable under the provisions of The IPC. It is the case of the prosecution that, the accused has purchased diamonds of worth Rs. 25,64,412/- from the complainant and witnesses on credit and did not make the payment and fled away and therefore, there is prima facie case against him.

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 Court is not required to appreciate and scrutinize the evidence in great detail, but 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 as mentioned above. Now upon going through the facts and Affidavit and papers produced on the record of this case, 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. Prima facie involvement of the accused is found and the investigation is pending in the case. Further, the applicant is also having past criminal antecedents and therefore, if the applicant/accused is released on bail then it may cause hindrance in the fair investigation.

Thus, considering the role, seriousness of offense,

nature of allegations, gravity of offenses and without discussing the evidence in detail, at this stage, looking to the possibility of accused availability at the time of investigation, at this stage, this is not an appropriate case to use discretionary power under Section 483 of the BNSS and hence, the following order is hereby passed.

ORDER

The application filed by the applicant 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 09th Day of April, 2026.

Date :- 09/04/2026

Hiteshkumar Mukundary Vyas

Place :- Surat

06th Addl. District and Sessions Judge, Surat

Code : GJ00834

PHS