

Cr.MA No. 128/2026

**Order below Bail Application of Accused Manojbhai
Ghanshyambhai Bamloliya u/s. 480 of the BNSS, 2023.**

1. The present application is preferred by the applicant accused u/s. 480 of the B. N. S. S. in connection with the offence registered with Kim Police Station with C.R.No. – 11214068260113/2026, punishable under Section – 118 (1), 118(2), 352 of the Bharatiya Nyay Sanhita, 2023.
2. Heard Ld. AP.P. Shri Mr. K. R. Bhungal and Ld. Proxy Advocate Mr. N. B. Patel on behalf of the accused. Learned Advocate for the applicant/accused has argued and submitted that, considering the contention of the F.I.R., the accused refused to let the complainant and witness to see the waterjet machine and got into an argument with him and hit the witness Amritlal on the head with a wooden stick, causing serious head injuries. While the accused was beaten up in the said incident and accused was protected by his co-worker and against whom cross complaint has been filed. Accused is an employee, he is falsely involved in the said offence, applicant accused is innocent, no criminal history of accused and he is wrongly arrested. The applicant accused is ready to obey and follow whatever conditions imposed by the Court. Therefore, prayed this Court to allow the bail application and enlarge the applicant on bail.

3. Learned A.P.P. Mr. K. R. Bhungal for the State has vehemently opposed bail application and strongly submitted that, an investigating officer has submitted an affidavit and a medical certificate of the victim and he suffered serious head injuries, the victim was first taken to the Civil hospital and then to Surat hospital for further treatment, where he was admitted to the emergency ward, after that, the victim went to U.P. for treatment. Therefore, considering the provisions of the offence against the accused, it is requested to reject the bail application of accused.

4. In view of submissions advanced by the Learned Advocates for the respective parties and considering the F.I.R. along with case papers, before deciding the bail application, it seems necessary to take into account the provision of Section 480 of BNSS, which is as follows.

"480. When bail may be taken in case of non-bailable offence.

(1) When any person accused of, or suspected of, the commission of any non-bailable offence is arrested or detained without warrant by an officer in charge of a police station or appears or is brought before a Court other than the High Court or Court of Session, he may be released on bail, but-

(i) such person shall not be so released if there appear reasonable grounds for believing that he has been guilty of an offence punishable with death or imprisonment for life,

(ii) such person shall not be so released if such offence is a cognizable offence and he had been previously convicted of an offence punishable with death, imprisonment for life or imprisonment for seven years or more, or he had been previously convicted on two or more occasions of a

cognizable offence punishable with imprisonment for three years or more but less than seven years:

Provided that the Court may direct that a person referred to in clause (i) or clause (ii) be released on bail if such person is a child or is a woman or is sick or infirm:

Provided further that the Court may also direct that a person referred to in clause (ii) be released on bail if it is satisfied that it is just and proper so to do for any other special reason:

Provided also that the mere fact that an accused person may be required for being identified by witnesses during investigation or for police custody beyond the first fifteen days shall not be sufficient ground for refusing to grant bail if he is otherwise entitled to be released on bail and gives an undertaking that he shall comply with such directions as may be given by the Court:

Provided also that no person shall, if the offence alleged to have been committed by him is punishable with death, imprisonment for life, or imprisonment for seven years or more, be released on bail by the Court under this sub-section without giving an opportunity of hearing to the Public Prosecutor.

(2) If it appears to such officer or Court at any stage of the investigation, inquiry or trial, as the case may be, that there are not reasonable grounds for believing that the accused has committed a non-bailable offence, but that there are sufficient grounds for further inquiry into his guilt, the accused shall, subject to the provisions of section 492 and pending such inquiry, be released on bail, or, at the discretion of such officer or Court, or the execution by him of a bond for his appearance as hereinafter provided.

(3) When a person accused or suspected of the commission of an offence punishable with imprisonment which may extend to seven years or more or of an offence under Chapter VI, Chapter VII or Chapter XVII of the Bharatiya Nyaya Sanhita, 2023 or abetment of, or conspiracy or attempt to commit, any such offence, is released on bail under sub-section (1), the Court shall impose the conditions,-

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter;

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected; and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing

such facts to the Court or to any police officer or tamper with the evidence, and may also impose, in the interests of justice, such other conditions as it considers necessary.

- (4) An officer or a Court releasing any person on bail under sub-section (1) or sub-section (2), shall record in writing his or its reasons or special reasons for so doing.*
- (5) Any Court which has released a person on bail under sub-section (1) or sub-section (2), may, if it considers it necessary so to do, direct that such person be arrested and commit him to custody."*

4.2) A complaint has been filed against the accused under Section - 118(1), 118(2), 352 of the Bharatiya Nyay Sanhita, 2023. according to facts of the FIR, the accused refused to allow the complainant and victim to see the waterjet machine, got into an argument with him and accused hit victim Amritlal on the head with a wooden stick. It is found that the victim of the said crime was first treated at the Civil Hospital and then further treated at Surat. Also, considering the medical documents submitted by the investigating officer, it is concluded that the victim was treated at U.P. and was discharged on 21/02/2026. Considering the involvement, relevant factors of offence, manner in which the offence has been committed, role or contribution and other authentic circumstances and the considering the provisions and punishment of the offence i.e. imprisonment for life or imprisonment for not less than 1 year but which may extend to 10 years. Therefore, this court is not found any reason to released the accused on bail while the investigation not concluded. Therefore at the stage of deciding the bail application, taking into account the guiding principles laid down by the Hon'ble Apex Court and exercising the

discretionary power of the court and reason considering the crime alleged against the accused, it is not considered to released the accused on bail. Hence, in view of the above discussion and in the interest of the justice, following order is passed.

-: O R D E R :-

- 1) Present bail application under Section 480 of BNSS, for getting Regular Bail for the accused, is hereby ***“Rejected”***.

Signed & Pronounced in the Open Court on 11th day of March, 2026.

Date : 11/03/2026.
Place : Olpad.

(Dipti Maulik Pandya)
Addl. Sr. Civil Judge &
Addl. Chief Judicial Magistrate,
Olpad (GJ0 1290)