



Presented on 28-02-2026
Registered on 28-02-2026
Decided on 09-03-2026
Duration 0Y 0M 09D

**IN THE COURT OF 5th ADDITIONAL SESSIONS
JUDGE, SURAT AT BARDOLI
CRIMINAL MISC. APPLICATION**

NO. 173 of 2026

Exh. _____

APPLICANT/ACCUSED:

SADIKMIYA SAMSUDDIN SHAIKH

Aged about 23 years, Occupation: labour work,
Residing at 945, Masjid Faliyu, Anaval,
Taluka : Ambika (Mahuva),
District : Surat.

VERSUS

OPPONENT:

THE STATE OF GUJARAT.

APPEARANCES:

Mr. A.S. Shaiyad, Learned Advocate for the applicant.
Mr. N.H. Patel, Learned APP for the State.

Application under Section 483 of the B.N.S.S, 2023.

-: J U D G M E N T :-

[1] The present application has been made under Section 483 of BNSS, 2023 for being enlarged on regular bail in connection with offence registered before Mahuva Police Station vide Crime Register No. 11214031260003/2026 for offences under Sections 115(2), 118(1), 352, 351(3), 54 of BNS and sections 3(1)(R), 3(1)(S), 3(2)(5-A) of SC and ST Act.

[2] Ld. Advocate has appeared for the applicant submitted that he has been falsely implicated in the offence and he has not committed any offence. It is submitted that applicant is 23 years old and is in judicial custody since 05-01-2026. It is further submitted that applicant is local resident and is residing with his family members and doing labour work and he will not flee if enlarged on bail. It is submitted that charge-sheet has been filed in this case. It is submitted that there is no case made out against the present applicant. It is further submitted that the applicant is innocent and there is nothing recovered or discovered from the applicant. It is further submitted that other co-accused has been released on bail and role of the present applicant is similar so principle of law of parity will apply in this case. Based on above submissions, Ld. Advocate for the applicant has prayed to allow this application. He has relied upon following judgments in support of his case.

1. *Asmathunnisa Vs. State of A.P. and another, Criminal Appeal No. 766 of 2011 (SC)*
2. *Keshav Mahto vs. State of Bihar, SLP (Cri.) No. 12144 of 2025*
3. *Dhiren Praful Shah vs. State of Gujarat (Gujarat High Court), Criminal Misc. Appl No. 9976 of 2015.*
4. *Karappudayar vs. State Rep. by the Deputy Superintendent of police, Lalgudi Trichy and others, Criminal Appeal Nos. 8778-8779 of 2024.*

[3] *Per contra*, Ld. APP Mr. Patel has objected this application relying upon the affidavit of I.O vide Exh.4 and submitted that there is prima facie case against the applicant and if he released on bail, he will threaten the complainant and also temper with the evidence. There are three offences registered against him. Hence, it is prayed to dismiss the present application.

[4] I have heard the submissions of Ld. Advocates for the parties and perused the application, police papers as well as the affidavit executed by the Investigating Officer.

[5] Perusing the records and police papers, it appears that role of the present applicant is that he along with other co-accused came on motorcycle and other co-accused abused the complainant and present applicant voluntarily beaten the complainant with iron rod on his left hand and also abused the complainant and also threatened him to kill and, therefore, there is a prima facie case made out against him. Ld. Advocate for the applicant argued that other co-accused has been released on bail and rule of parity will apply in this case but role of the present applicant is differently more serious and active than the other co-accused who has been released on bail. So, principle of rule of parity is not applicable in this case. There are other three cases pending against the present applicant and it seems he is habitual in nature.

Ld. Advocate for the applicant has argued that investigation is completed and charge-sheet has been filed but just because of that no favourable circumstances seems to have arisen in favour of the applicant accused so mere filing of charge-sheet is not a good ground to release the applicant on bail.

In view of totality of facts and circumstances and in view of his active and voluntary prima facie involvement in the alleged grave offence, present bail application of accused could not be allowed in view of the facts and circumstances stated hereinabove the judgment as submitted by the applicant/accused

are not favourable to him and hence the following order is hereby passed.

-: O R D E R :-

Present Criminal Misc. (Reg. Bail) Application No. 173 of 2026 of applicant **SADIKMIYA SAMSUDDIN SHAIKH** filed under Section 483 of The Bhartiya Nagrik Suraksha Sahita, 2023 is hereby Rejected.

Copy of the order/Yadi sent to the concerned police station and Court.

Signed & Pronounced in open Court today on this **9th day of March, 2026.**

Date : 09/03/2026
Place: Bardoli.

Nareshkumar R. Jain
5th Additional Sessions Judge, Surat at
Bardoli
(Unique ID Code: GJ00582)