

FILED ON :	06/03/2026		
REGISTERED ON :	06/03/2026		
DECIDED ON :	18/03/2026		
DURATION :	YY	MM	DD
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Exhibit	:		

**IN THE COURT OF 3rd ADDL. SESSIONS JUDGE,
SURAT AT BARDOLI**

Exh. _____

CRI. MISC. APPLICATION NO.197 OF 2026

FIR No.	A – C.R. No.11214046251604/2025
Police Station	Palsana Police Station.
Offences	Under sections 309(6), 352 of BNS and under sections 135 of G.P. Act.

Applicant :

Name	Nikhilsingh Rameshsingh Rajput
Age	22 years
Occupation	Labour work,
Address	407, Nand Residency, Saidarshan Society, Bagumra, Taluka : Palsana, District : Surat. (At present in judicial custody)

Vs.

Opponent : The State of Gujarat

Appearance (Learned Advocates):

For Applicant	Ld. advocate Mr. S.L. Vagh
For Opponent	Ld. APP Mr. N.H. Patel

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

1. The present bail application has been filed under Section 483 of the Bhartiya Nagarik Suraksha Sanhita (BNSS) for regular bail for the alleged offences punishable under the above-mentioned sections.

2. In brief the crux of prosecution case is that at around

7.00 p.m. while the complainant was going to his room near Silicon residency adjacent to Gurukurpa Industrial road, three unknown persons came on motorcycle from his back and stopped near him, the person sitting as pillion rider, caught him from his collar and inflicted knife injury on left hand of the complainant and started abusing him in Hindi language and snatched mobile phone worth of Rs.5,000/- and by threatening him with dire consequences and also inflicted injuries to the complainant by knife.

3. Learned Advocate for the applicant-accused has submitted that applicant-accused is innocent and has not committed any offence and he has been falsely implicated in the present case. He further submits that applicant is in judicial custody since 04/11/2025. He has further submitted that charge-sheet has been filed and he is innocent and has not committed any offence. He has further submitted that there is no prima facie case made out against the present applicant. He has further submitted that other co-accused has been released on bail by this Court. He further submits that accused is permanent resident as mentioned above and doing labour work and earning his livelihood. It is further submitted that he will regularly present during the trial and will not flee from justice. Based on above submissions, he has thus prayed to release the applicant-accused on bail by allowing the present application.

4. On the contrary, ld. APP has strongly resisted the bail application and submitted that applicant has committed the offence of mobile snatching and also he has criminal antecedents. Therefore, prayed to reject the bail application.

5. I have heard the learned Advocates and perused

affidavit of I.O as well as police papers and the case file carefully.

6. Perusal of the FIR as well as affidavit filed by the I.O. reveals that the applicant is not named in the FIR and came to be arrested. The FIR was lodged against unidentified persons and not named in the FIR. Further, there is a delay of one day in filing the FIR and is in judicial custody from 04/11/2025. Investigation is over and charge-sheet has been filed. Further, no useful purpose would be served by keeping applicant-accused behind the bars. Other co-accused has been released on bail by this Court vide Cr.M.A. No.924/2025 dated 18/11/2025 and role of the present applicant is more or less similar so principle of law of parity required to be considered. Therefore, considering principles laid down by the Hon'ble Apex Court in the case of **Sanjaychandra vs. C.B.I. reported in 2012 Cri.L.J. 702**, this Court is conscious of the fact that, "*bail is a rule and jail is an exception*". Moreover, the applicant is permanent resident of above-mentioned address and is not likely flee away from the justice and his presence can be secured by imposing stringent conditions. In these circumstances, no purpose would be served by keeping the applicant-accused behind the bars. Hence, at this juncture, without commenting anything on the merits of the case, the discretionary power is utilized in favour of the applicant-accused. In view of the above discussion, following order is passed :-

:: O R D E R ::

(A) The present CRMA No.197/2026 filed by the applicant for regular bail is hereby **allowed**.

(B) The applicant **Nikhilsingh Rameshsingh Rajput** be

released on bail for the offences punishable under Sections 309(6), 352 of BNS and under section 135 of G.P. Act registered with Palsana Police Station vide Part-A C.R. No.11214046251604/2025 on applicant furnishing surety bond in sum of **Rs.50,000/-** (Rupees Fifty Thousand Only) with one surety of like amount on following conditions:

Conditions :

- (1) The applicant shall not give any promise, threat or inducement to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or any police officer;
- (2) The applicant shall not leave the territory of India without prior permission of the trial court and shall submit his passport, if any before the concerned Court/ Police Station within seven days from today.
- (3) The applicant shall give his correct permanent residential address, mobile numbers, identity proof to the police.
- (4) The applicant shall not obstruct or hamper the police investigation and not play mischief with the evidence collected or yet to be collected by police.
- (5) The applicant shall not act in the manner injurious to the interest of the prosecution.

Yadi to the concerned trial Court and police station.

Pronounced in open court today on 18th day of March, 2026.

Date : 18/03/2026
Place: Bardoli.

(Preet Kamal Tirath Ram)
3rd Additional District Judge,
Surat at Bardoli.
UID. No.GJ 01594