

GJVD200001972026



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Decided on : 06.03.2026
Duration : 00 00 04
Years Months Days

IN THE COURT OF 9TH ADDL. SESSIONS JUDGE
VADODARA AT SAVLI

CRIMINAL MISC. APPLICATION NO. 85 OF 2026

Exhibit :

APPLICANT: CHHAGANBHAI KANJIBHAI PATEL

Aged: 63 Yrs., Occupation: -

R/o. Village : Poichha (Ra),

Ta. Savli, Dist. Vadodara.

V E R S U S

OPPONENT: The State of Gujarat

Appearance:

Ms.R.D.Gaur : Learned Advocate for the applicant-accused.

Mr.C.G.Patel : Learned APP for the State.

Application seeking Regular Bail
under Section 483 of the BNSS

-:: O R D E R ::-

1. By way of this application preferred under Section 483 of Bharatiya Nagrik Suraksha Sanhita (for short “BNSS”), the present applicant–accused has prayed to enlarge him on regular bail in connection with the F.I.R. bearing C.R.No.11197006260064/2026 registered at Bhadarva Police Station, Vadodara Rural, for the offences punishable under Section 109 of BNS, under Sections 25(1-b)(a), 27, 30 of the Arms Act and under Section 135 of the G.P.Act.
2. On service of notice, Mr.C.G.Patel, learned Assistant Public Prosecutor, appeared for the State and filed affidavit of the Investigating Officer at Exhibit 5.
3. Heard learned advocate for the applicant-accused as well as learned APP for the State.
4. Learned advocate appearing for the applicant-accused has reiterated the grounds stated in the application and prayed to release the present applicant-accused on bail. She has further submitted that the allegation that the applicant-accused fired upon the complainant is his own version which is uncorroborated. In the absence of independent witnesses or material, the applicant's implication is unsustainable. It is further submitted that the applicant-accused is a 63 years old resident of Village Poichha (Ra), Taluka Savli, District Vadodara (Rural), since birth. He is a farmer who owns agricultural land in the said village and he has deep roots in community and there is no possibility of his absconding or fleeing from justice. It is further submitted that the Investigating Officer has already recorded the statements of the complainant and other witnesses. The alleged

place of occurrence and the applicant's farm house have already been inspected and Panchnama has already been drawn. The gun of the applicant-accused has also been recovered from him and no recovery or discovery is pending. There is no reasonable apprehension that the applicant who is a 63-year-old agriculturist, would tamper with evidence or threaten witnesses if released on bail. It is further submitted that the applicant-accused was holding fire arm licence since 2009 and no offence has been registered against him. It is further submitted that even as per FIR, applicant-accused had fired warning shot from his revolver in air and therefore, it is apparent that he had no intention to kill or harm anybody. At the most, the injury caused to the victim can be termed as an accidental injury. It is further submitted that even otherwise on bare perusal of the FIR, none of the ingredients of the offences enumerated in the FIR gets satisfied. The applicant-accused is ready to abide by conditions that may be imposed by the Court and therefore, he has requested this Court to enlarge the present applicant-accused on regular bail on appropriate conditions.

5. Referring to the affidavit of I.O., the learned APP Mr.C.G.Patel for the State, has submitted that looking to the nature of the offence and the involvement of the applicant-accused in the offence, he should not be released on bail. He has further submitted that on the date of incident, the applicant-accused did not have any valid license to carry fire arm yet he was carrying fire arm and also open the fire resulting into bullet injury to the victim. Hence, there is prima facie case against the applicant-accused and the investigation is going on, the applicant-accused should not be released on bail. He has further

submitted that if the applicant-accused is released on bail, he may not remain present during the trial and the trial may be delayed unnecessarily. Hence, the learned APP has requested to reject the present application.

6. Upon hearing learned advocates for the parties and going through the police papers, it is apparent that the victim / complainant and others had gone to the applicant's farm searching for their missing minor daughter and present applicant-accused, upon being called by the care taker of the farm house, came armed with the weapon and did fire in air to threaten the victim and other people accompanying him. It is further apparent that while they were returning and they had boarded their ECCO Van, present applicant-accused shot from the rear end of the said car and the bullet shattered the rear glass and pierced below the left shoulder causing grievous hurt because of which the victim had to be rushed to the SSG Hospital, Vadodara, and underwent treatment. Thus, it is apparent that not only the present applicant-accused threatened the victim and his men but also fired directly on them from behind. It is further apparent that on the date of incident, the renewal process of his fire arm license was underway and he had to approach Hon'ble High Court due to long delay in seeking renewal. Thus, for all purposes, on the date of incident, the fire arm which the applicant-accused fired was unlicensed and apparently he had failed to deposit it with the concerned police station till license was renewed. Therefore, prima facie the offence against the applicant-accused is made out, investigation is at preliminary stage and therefore, likelihood of intimidating of witnesses and tampering with evidence cannot be ruled out. Therefore, at this stage, it would not be just and proper

to exercise discretion in favour of the applicant-accused. Hence, in the interest of justice following order is passed.

ORDER

1. The applicant's present application for regular bail is hereby rejected.
2. Copy of this order be sent to the concerned police station.

**Signed and pronounced in open Court today
i.e. on 6th day of March, 2026.**

Place: Savli.

Date : 06.03.2026

(A.M.Varma)

**9th Additional Sessions Judge,
Vadodara at Savli
(GJ-00577)**