



Order below bail application

1. This is an application for bail filed by the accused-applicant under Section-480 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with an offence under Section 331(4), 305 of B.N.S. before Pradhyumannagar Police Station vide CR No-11208044250190 of 2025.
2. Heard the Ld. for the accused-applicant. He contended that there is no, prima facie, evidence against the accused to book him in this case. He further contended that the accused has been falsely implicated in this case and he is totally innocent. He further contended that the presence of the accused would be easily available at the time of trial. He further contended that the accused-applicant is ready to comply with any conditions that may be imposed by your Honour court. Hence prayed for grant of bail.

3. On the other hand Learned APP appearing for the state has stated that the present offence registered against the accused is of a serious nature and if he is released on bail then there are chances that he may tamper the evidence in the case. Hence, prayed to reject the present bail application.
4. Looking at the FIR and other material, it appears that the, prima facie, case is made out against the accused in this case. Now what is important to see while deciding an application for bail is well settled. And the factors like seriousness and nature of an offence committed, antecedent of accused, securing presence of accused at the time of trial, maximum punishment that may be imposed to accused in charged offences, possibility of tempering with investigation and hampering witnesses and the likes. Furthermore even where a prima facie case is established, the approach of the court in the matter of bail is not that the accused should be detained by way of punishment but whether the presence of accused would be readily available at the time of trial or that he is likely to be fled away from trial.
5. Furthermore the Hon'ble Apex Court in "**Sanjay Chandra Vs. C.B.I**" reported in **AIR 2012 S.C page no-830** observed in para-14 of its judgment that "In bail application, generally, it has been laid

down from the earliest times that the object of bail is to secure the appearance of the accused person at his trial by reasonable amount of bail" and Hon'ble Apex court has reaffirmed, reiterated and reinforced the principle that "grant of bail is rule and refusal to bail is an exception" in the said judgment.

6. Furthermore it is well settled bail jurisprudence prevailing in India settled by a catena of decisions of the Hon'ble Supreme Court and various Hon'ble High Courts that there cannot be an inexorable formula in the matter of granting bail. The facts and circumstances of each case will govern the exercise of judicial discretion in granting or cancelling bail. Furthermore in this case the maximum penalty that may be imposed on an accused upon proof of charges levelled against him is three years. Under such circumstances, the discretionary power under Section-437 of the Code of Criminal Procedure may be exercised in favour of the accused upon imposing requisite conditions to secure his presence at the time of trial. In view of the aforesaid discussion, this court is inclined to grant this application for bail on imposing conditions to secure his presence at the time of trial so I hereby pass the following order in the interest of justice.

Order

1. The application for bail filed by the present applicant/accused Sagarbhai Dilubhai Karsangiya is hereby allowed.
2. The applicant-accused is hereby ordered to be released on bail on execution of personal bond of Rs. 10,000/- and one surety of like amount and subject to following conditions;
 - a. The applicant-accused shall not commit similar offences while on bail.
 - b. The accused shall not hamper the investigation and tempering witnesses.
 - c. The accused shall appear before the court without fault whenever he is summoned by the court, failure of which, shall be deemed to have forfeited the personal bond and surety bond.
 - d. The bail of the accused shall stand cancelled if any of the above condition(s) is violated by the accused.
 - e. The accused has to file the pursis in the Court with respect to his current address and the contact number.

Rajkot

A.S. Khandelwal

01/03/2025

4th JMFC, Rajkot