

GJMR010025942026



Received on : 07/08/2026
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 Decided on : 12/08/2026
 :
 Duration DD-MM-YY
 06-00-00
 Exh. :

IN THE COURT OF 3rd ADDITIONAL SESSIONS JUDGE,
 MORBI.

Criminal Misc. Application No. 1203 of 2026.

Applicant : Samirbhai Rustambhai Parmar

Age : 21 years, Occupation: Driving,
R/o: Sipai Sheri, Wankaner, Morbi.

(Presently in Judicial Custody at Sub-Jail,
 Morbi)

Vs.

**Opponents : (1)The State of Gujarat.
 Through – Public Prosecutor.**

**Original Complainant
 (2) Yashdeepbhai Hiteshbhai Solanki,
 R/o – Wankaner, Ambedkar Nagar.**

**Application for Regular bail under Section 483 of the
 BNSS.**

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APPEARANCE:

Ld. Advocate for the applicants. : Mr. J. D. Agechaniya.
 Learned A.P.P. for the State. : Mr. S. C. Dave.

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

- [1]. The present application has been filed by the applicant – accused under the provision of section 483 of The Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred as "**The BNSS**" for short) inter alia praying for grant of regular bail in connection with the offense registered as C. R. No.0562/2026 with Wankaner City Police Station for the alleged commission of offenses punishable under provisions of Sections 109(1), 189(2), 189(4), 190, 191(2) and 191(3) of the Bharatiya Nyay Sanhita (herein after referred to as "**The B.N.S.**" in short), Sections 3(2)(5) and 3(2)(5-A) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (herein after referred to as "**The Atrocities Act**" in short) and Section 135 of G. P. Act (herein after referred to as "**The Act**" in short).
- [2] It is stated by the applicant that, he has been arrested by the police in connection of the afore-stated offence on 15.06.2026 and he is in custody since then. Hence, the present application has been filed under Section 483 of the BNSS.
- [3] On service of notice to the opponent, Ld. A.P.P. appeared on behalf of State and investigating officer has filed affidavit vide Exh. 5 in support of the complaint and also submitted police papers.

- [4] Learned Advocate for the applicant submits that the applicant has no connection with the alleged offence and that he has been falsely implicated with the present offence. He has no role in the alleged offence. It is further submitted that there is no name of the applicant/accused in the FIR. The injured person is not undergoing any medical treatment. The only allegation levelled is that of forming an unlawful assembly. It was further contended that the applicant-accused had not caused any injury to anyone. It was also submitted that the allegation of causing injury is against Ajaz and Nikhil, not the present applicant. It is further submitted that the Charge-sheet is filed and is registered vide ATRO Case No.13/2026 and the same is pending before the competent Court for adjudication. It is further submitted that no further custodial interrogation of the applicant/accused is required during the investigation. Further, no substantial evidence regarding coercion or the offence u/s Atrocities Act have been produced. Further, there is no likelihood of tempering with the evidence. It is submitted that the present applicant is residing at the address mentioned in the cause title and not likely to jump bail or evade trial. It is submitted that the applicant undertakes to abide by all or any condition that may be imposed by the Court in bail order and considering all the above factor it has been prayed that the present applicant may be enlarged on bail.

- [5] On the other hand, learned A.P.P. appearing for the opponent-state has opposed the bail application and as per the averments of the affidavit filed by the IO, further submits that present applicant is actively involved in the offence and there are serious allegations against the applicant. The learned APP submitted that, owing to an earlier quarrel with members of the Bharwad community, accused person, along with other co-accused of this offence formed an unlawful assembly and lay in waited carrying deadly weapons. Upon noticing that the complainant and witness Manish, who was a friend of the Bharwad community members, were passing by on a scooter, accused – Ajaz allegedly exhorted the others to kill them despite knowing that they belonged to the Scheduled Caste community. All the accused allegedly chased the scooter, which collided with an electric pole near Sharda School, causing the complainant and the witness to fall. Thereafter, accused – Ajaz and Nikhil allegedly attacked the complainant with Dhariya and knife on the back of his neck, resulting in grievous injuries. The learned APP further submitted that all the accused had acted in concert in committing the present offence. The charge-sheet reveals sufficient prima-facie material against the applicant and mere filing of charge-sheet does not ipso-facto entitle the present applicant to be released on bail. There is no substantial change in circumstances following the charge-sheet. Since the parties reside in the same village, there exists a possibility of interference with the investigation or

influencing witnesses. It was also pointed out that applicant has criminal history and one other offence is registered against him. Lastly, Ld. APP prayed to reject the bail application.

- [6] I have heard the Ld. Advocate for the applicant and Ld. APP for the state and the original complainant and also perused the papers. I have also perused the affidavit of the Investigating Officer, charge-sheet papers and other material available on record.
- [7] It appears from the record that no specific overt act of causing injury to the complainant or any other person is attributed to him. The allegations regarding causing injuries by means of Dhariya and knife are specifically attributed to co-accused Ajaz and Nikhil. So far as the present applicant is concerned, the allegation is essentially with regard to his alleged presence as a member of the unlawful assembly. There is no specific allegation that the present applicant himself caused any injury to the complainant. The role attributed to the present applicant is limited in nature and the injuries which were caused to the complainant and victim is attributed to the other co-accused person. This Court has also taken into consideration the aspect that nothing is required to be recovered or discovered from the present applicant, the present applicant is not having any criminal antecedent except 1 offence. The applicant is ready

and willing to abide by all the condition which may be imposed by this Court while enlarging him on bail.

- [8] It is further borne out from the record that the applicant has been in custody since 15.06.2026, the investigation is over and the charge-sheet has already been filed, which is registered as ATRO Case No.13/2026 and is pending before the competent Court. Therefore, at this stage, further custodial interrogation of the present applicant does not appear to be necessary. The apprehension expressed by the prosecution regarding tampering with evidence or influencing witnesses can be taken care of by imposing appropriate and stringent conditions upon the applicant.
- [9] This Court has also taken into consideration the allegations regarding the provisions of the Atrocities Act, as well as the objection raised by the learned APP regarding the alleged common object and the criminal antecedent of the applicant. However, without entering into a detailed appreciation of the evidence or expressing any opinion on the merits of the case, considering the specific role attributed to the present applicant, the absence of any allegation of causing injury by him, his period of custody, and the completion of investigation, this Court is of the view that the applicant can be enlarged on regular bail, subject to suitable conditions.

[10] In view of the aforesaid facts and circumstances, and without expressing any opinion on the ultimate merits of the case, this Court is of the considered view that the present application deserves to be allowed. Hence, the following order is passed in the interest of Justice.

::ORDER::

- (1) The present application is allowed.
- (2) The applicant–accused shall be released on regular bail in connection with C.R. No.0562/2026 registered with Wankaner City Police Station for the offences punishable under Sections 109(1), 189(2), 189(4), 190, 191(2) and 191(3) of the Bharatiya Nyaya Sanhita, 2023, Sections 3(2) (5) and 3(2)(5-A) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 and Section 135 of the Gujarat Police Act, on executing a personal bond of Rs.50,000/- (Rupees Fifty Thousand only) with one surety of the like amount to the satisfaction of the Trial Court and subject to the following conditions:

Conditions:

- (1) *The applicant/accused shall not enter into the jurisdiction of Morbi District for 6 month from the date of this Order.*
- (2) *The applicant/accused shall not tamper with the evidence and not try to induce or threaten to the witnesses of the case.*
- (3) *The applicant/accused shall attend the dates of hearing regularly during the trial.*

- (4) *The applicant/accused shall furnish the details of the passport and deposit it with the custody of the concerned Trial Court within 7 days after released on bail, and if he do not possess the passport, he shall file an undertaking on oath within 7 days after released on bail before the Ld. Trial Court.*
- (5) *The applicant/accused shall not leave the territory of India without prior permission of the concerned Trial Court.*
- (6) *The applicant/accused shall furnish his residential address with proof before the concerned Court as well as concerned Police Station and the applicant/accused shall not change his residential premises without prior permission of the concerned Trial Court till the pendency of trial.*

It will be open for the Ld. Trial Court to delete, modify and/or relax any of the above conditions, in accordance with the law. Yadi is to be sent to the concerned Police Station.

Pronounced today in open Court on this 12th day of August, 2026.

Date : 12.08.2026.
Place: Morbi.

[Mitalkumar Rasikbhai Nadpara]
3rd Addl. Sessions Judge,
Morbi. (Code No.GJ00840)

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