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EXH. 8.

**IN THE DESIGNATED COURT OF PRINCIPAL
DISTRICT & SESSIONS JUDGE, AT : RAJKOT.**

**Criminal Misc. Application (for Regular Bail- After charge
sheet) No.625/2026.**

Karanbha Jethabhai Kara,

R/o.B/h.Railway Station,

Rajnagar,

Village Bhimrana,

Taluka Dwarka,

Dist.Devbhoomi Dwarka,

(At present in Central Jail, Junagadh)

::: APPLICANT.

VERSUS

The State

::: OPPONENT.

Appearance :-

Mr.H. B. Parsonda, Ld. Advocate for the applicant.

Mr.T. M. Gokani,, Ld. Special P.P. for the opponent – State.

Application U/s. 483 of the BNSS.

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

- 1] The applicant, who came to be arrested by **Mithapur Police Station** for the offence alleged to have been committed under Secs.351(3), 352 and 54 of BNS, under Secs.3(1)(R), 3(1)(S), 3(2)(5-A) of Atrocities Act and under Secs.3(1), 3(2), 3(3), 3(4) and 3(5) of Gujarat Control of Terrorism and Organized Crime Act,2015, registered vide PART-“A” C.R. No.11185005250903/2025, has preferred the present application under Section 483 of BNSS praying for regular bail.

This is the first bail application which has been filed after filing of the charge sheet.

- 2] On being served with the process, the Learned Special PP appeared for the State. The Investigating Officer has submitted his affidavit at **Exh.6**.
- 3] Heard Ld. Advocate Mr.H. B. Parsonda for the applicant, who has reiterated the averments of the application. He has also submitted that, the applicant is totally innocent and has not played any role in the alleged offence; however, he has been falsely implicated in the present offence. He has submitted that, the applicant has cooperated during interrogation. He has submitted that, the applicant is neither directly nor indirectly involved with main gang leader. He has submitted that, the applicant has no

connection with any organized crime activity as defined under provisions of GCTOC Act. He has submitted that, as per F.I.R. there is no personal allegation against the applicant. He has submitted that, past antecedents shown against the applicant cannot be considered for deciding present bail application, since there is no prima facie case against the present applicant in the present alleged offence. He has further submitted that, the investigation qua the present applicant is over and the Investigating Officer has submitted the charge-sheet, hence the question of hampering or tampering with prosecution witnesses does not arise. He has submitted that, police has recorded stereotype statements and have not recorded statements of any independent witnesses. He has submitted that, "*Bail is rule, Jail is exception*" and "*Bail should not be refused as a means of punishment*". He has further submitted that, the entire responsibility of the family of the applicant is on his shoulders, and hence, if he is kept in judicial custody till the trial is over then the family of the applicant will have to face dire consequences. Under these circumstances, the Ld. Advocate for the applicant has urged that, the applicant may be granted regular bail on suitable terms and conditions that may deem just and proper to the Court to which the applicant has assured to abide.

In support of his aforesaid submissions, he has relied upon decision in the case of Malabha Sajabha Sumaniya V/s.State of Gujarat in R/Criminal Misc. Application (for

Regular bail – After charge sheet) No.12524/2025, decided on 04/08/2025 by Hon'ble High Court of Gujarat.

- 4] Per contra the Ld. Special PP Mr.T. M. Gokani appeared on behalf of the State and opposed the grant of relief stating and contending that, the involvement of the applicant in the alleged offence cannot be ruled out. The Ld. Special PP has submitted that, the applicant is having criminal antecedents and has expressed his apprehension that, if the applicant is enlarged on bail, he may jump the bail and there is possibility of hampering or tampering with the prosecution witnesses. The Ld. Special PP has further submitted that, the applicant is the main gang leader and is the active member of the “organized crime syndicate” and has committed several offences. The Ld. Special has submitted that, mere filing of charge sheet does not in any manner lessen the allegations made by the prosecution. It is further argued that, there is strong prima facie case against accused and the matter being under Special Act, discretionary power should not be exercised in favour of the applicant. Hence, requested to reject the present application.
- 5] The I.O. Mr.Sagar Rathod, Dy.S.P., Dwarka Division, Dwarka, Dist.Devbhoomi Dwarka has filed an exhaustive affidavit vide **Exh.6**, whereby, he has resisted this bail application stating and contending about the crimes committed by the applicant since last 10 years. It has been stated that, considering the terror which was unleashed by

the “organized crime syndicate”, it would not be advisable to enlarge the applicant on bail. Hence, he has requested to reject the bail application.

- 6] Brief facts as reflect from the statements and allegations made by the prosecution, so also from the police investigation papers along with the report submitted by the Investigating Officer, it transpires that **the applicant along with co-accused are alleged to have hatched conspiracy and formed unlawful assembly and also alleged to have been equipped and possessed with lethal weapons and alleged to have caused grievous and severe fatal injuries to the complainant and prosecution witnesses/protective witnesses and further alleged to have threatened prosecution witnesses and protective witnesses to face dire consequences. It is further case of the prosecution that, the applicant along with co-accused are members of the “organized crime syndicate” and the present applicant is proactive member who is involved in various unlawful activities and offences like attempt to commit murder, grievous hurt, abduction, extortion, Prohibition Act, Gambling Act, Arms Act, offence with regards to body etc., since last more than 10 years. Thus, due to high headed activities and involvement in severe crimes and fear and apprehension in the mind of public at large, no citizens – complainant - victims come forward to lodge the complaint against the present applicant-accused who is otherwise rather impressing**

upon public as a bullied and dangers to the society. In continuation of the statements and allegations, the present applicant along with co-accused are alleged to have involved in several cases pertaining to the persons and properties and the cases against them are pending who after being released on bail / furlough / temporary bail and otherwise are also alleged to have been threatening the prosecution witnesses and protective witnesses and alleged to have extorting money. It transpires that, the present applicant is alleged to have committed offences for which 03 F.I.Rs. have been filed.

From the perusal of report, it appears that, the applicant along with other co-accused as members of the “organized crime syndicate” are alleged to have committed several offences.

- 7] Thus, the sum and substance of aforesaid offences which apparently indicate the involvement of the present applicant in total 03 offences since last 10 years. It further appears that, the F.I.R. was lodged against the present applicant and 04 co-accused persons under the provisions of GCTOC Act, since they were running an “organized crime syndicate”, of which, the applicant was a member. The said syndicate had continued with unlawful activities which included, attempt to commit murder, offence of grievous hurt, abduction, extortion, Prohibition Act, Gambling Act, Arms Act, offence with regards to body etc.,

- 8] From the perusal of charge sheet it appears that, the applicant along with other co-accused as members of the “organized crime syndicate” are alleged to have committed several offences. From the perusal of report of the Investigating Officer, it appears that the present applicant is alleged to have committed in all total 03 offences since last 10 years and all 03 offences were alleged to have been committed after promulgation of the GCTOC Act. It appears that, the applicant along with co-accused as members of ”organized crime syndicate” have committed in all 24 offences. It appears that, the applicant and other co-accused have committed most of offences interse with the gang members. The gang had created an atmosphere of threat in Devbhoomi Dwarka District. Hence, after promulgation of the GCTOC Act, the present applicant is alleged to have indulged in “continue unlawful activities” as per Sec.2(1)(c) of the GCTOC Act.
- 9] Though, this court is in agreement with the ratio laid down in the judgments cited by Ld. Adv. Mr.Parsonda, with all due respect and humility, this court would like to observe that, considering the gravity of the offence, the same cannot be made applicable to the present case. Moreover, co-accused have preferred Cr.M.A. No.491/2026, No.493/2026 and No.567/2026, which came to be rejected by this Designated Court. But against the said rejection, the co-accused had not preferred any application before the Hon’ble High Court of Gujarat.

- 8] During the course of investigation, the Investigating Officer has recorded statements of **10 protective witnesses under Sec.16 of the GCTOC Act**, who all have stated that, the applicant is active member of the “organized crime syndicate” and is actively involved in the “continuing unlawful activities” of the gang. These witnesses have categorically stated that, the gang comprised of all the accused persons mentioned in the F.I.R. as well as other accused including the applicant who were arraigned during the course of investigation. All the accused were habitually committing grievous crimes ranging from extortion, attempt to murder etc. Thus, the involvement of the applicant in the present case cannot be ruled out.
- 10] This court has carefully examined the entire available record and particularly allegations which have been directly attributed to the accused and these allegations are corroborated by other materials and circumstances on record. Considering the entire material available, nature of acquisition, severity of punishment in case of conviction, and the nature of supporting evidence, reasonable apprehension of tampering with the witnesses and the evidence, and prima facie satisfaction of the court in support of the charge, character of the accused, reasonable possibility of securing presence of the accused at the time of trial and impact on the society at large is required to be considered. Considering all aforesaid parameters, this court is of the opinion that discretionary powers are not required

to be exercised in favour of the present applicant-accused.
Hence, the following final order.

:: ORDER ::

- 1] The present Criminal Misc. Application (for Regular Bail)
No.625/2026 is hereby rejected.

Pronounced in open court today on this 9th day of
March, 2026.

Place : Rajkot
Date : 09.03.2026

(Jitendra Rameshchandra Shah)
Principal District & Sessions Judge,
(Designated Court, GCTOC Act),
R A J K O T
Code No.GJ01044

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