

GJAM010015762026



Received on : 10-08-2026
Registered on : 10-08-2026
Decided on : 13-08-2026
Duration : Ys. Ms. Ds.
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BEFORE THE COURT OF SESSIONS JUDGE,
AT : AMRELI.

CRIMINAL MISC. APPLICATION NO. 541/2026

EXH. : 6

APPLICANT :

JAGDISH MUKESHBHAI JILIYA,

Age : 18 years, Occup. : Labour,

Residing at : Kariyana Road, Babra,

Tal. : Babra, Dist. : Amreli.

At present : District Jail - Amreli.

V/S

OPPONENT :-

THE STATE OF GUJARAT.

(Notice to be served through PP, Amreli)

**REGULAR BAIL APPLICATION FILED UNDER SECTION
483 OF BHARATIYA NAGARIK SURAKSHA SANHITA**

Mr. M.M. Gohil, Learned Advocate for the applicant.

Mr. J.B. Rajgor, Learned P.P. for the opponent-State.

-: JUDGMENT :-

[1] The applicant has filed this application under
Section 483 of Bharatiya Nagarik Suraksha Sanhita, seeking

Sessions Judge,
Amreli.

regular bail as applicant is arrested in connection with C.R.No. 11193008260194/2026, registered with Babra Police Station, for the offence punishable u/s. 103(1), 189(2), 189(4), 190, 191(2), 61(2)(a), 351(3), 3(5) of Bharatiya Nyaya Sanhita.

[2] The notice was issued to the other side. The learned P.P. representing the State appeared and filed affidavit vide Exh. 5 to resist the application.

[3] Brief facts of the case of prosecution are that, some unknown persons had removed/uprooted the memorial stones (*Khambhis*) of the ancestral deities (*Surapura*) of the Complainant's maternal family. Suspecting the deceased to be responsible for the said act, the Complainant's maternal relatives used to repeatedly call the deceased over the phone and threaten to kill him whenever he visited Babra. On 07/05/2026, the Accused persons summoned the Complainant's husband to Babra under the pretext of settling the dispute regarding the removal of the *Surapura Khambhis*. Under this guise, the Accused persons hatched a criminal conspiracy and betrayed the deceased. Operating in prosecution of a common intention and forming an unlawful assembly, the Accused armed themselves with sharp-edged weapons and launched a lethal assault on the deceased. They inflicted grievous and fatal injuries to the neck and head of the deceased, and indiscriminately assaulted him all over his body, causing near-fatal wounds which ultimately resulted in his death. Thereby, the Accused persons helping one another committed the offense of murder, criminal conspiracy, and other

related offenses. Therefore, the offence u/s. 103(1), 189(2), 189(4), 190, 191(2), 61(2)(a), 351(3), 3(5), 191(3), 324(4), 324(6) of Bharatiya Nyaya Sanhita came to be registered against the 6 named persons including present applicant/accused and 3 to 4 unnamed persons.

[4] At the time of argument, the learned advocate for the applicant/accused has submitted that the applicant is innocent and has been falsely implicated in the present offence; no prima facie case is made out against the applicant. It is further argued that, the role of the present applicant/accused is not mentioned in FIR, whether the deceased died at by hands of the present applicant/accused or he shot him posthumously or whether any weapon was seized from him by the police. In the FIR, it is mentioned that the murder was committed by three people. The role of the rest of the people is not mentioned. There are a total of 10 accused in this case who were caught or escaped within a short time. The deceased and the accused are all relatives, that is, the uncle was murdered by his nephew. Out of 10 accused only 3 are assigned active assault. Present accused persons are young boys aged 18-20 with no antecedents. No specific fatal blow is attributed. No recovery at their instance. The investigation is substantially over. That the present FIR has been registered on false and bogus facts. The facts stated in the FIR are fabricated, concocted and without any basis. The applicant is a permanent resident and there are no chances of his absconding from the course of justice. The applicant undertakes to present himself

before the police/court as and when directed. The applicant undertakes that he will not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer. The applicant further undertakes not to tamper with the evidence or the witnesses in any manner. It is submitted that the allegations made against the accused are false, frivolous and vexatious and lacking in the material substance. The accused has nothing to do with the alleged offences. The accused belongs to a very reputed family in his locality. The accused is innocent and has been involved falsely due to the personal grudge to settle the score against the accused. It is also submitted that, applicant is ready to abide all the conditions which court will impose upon him and therefore looking to the nature of offence and considering the role of the accused this Court is empowered to enlarge the applicant/accused on bail by allowing the present application and thus, requested to allow the prayer in the application.

[5] While opposing the bail application, Learned P.P. has contended that, the applicant/accused is alleged to have actively participated in the commission of offence and murdered the husband of the complainant and hence prima facie intention of killing is established. It is also argued that, name of the present applicant is very specifically mentioned in FIR as accused No. 2 and there is active role of the present applicant/accused in crime and committed grievous offence of murder therefore, bail should

not be granted to the applicant/accused. It is also contended that earlier regular bail application before chargesheet of the present applicant/accused has been rejected by this Court vide Criminal Misc. Application No. 281/2026 on 02/06/2026. The mere completion of investigation does not constitute a sufficient ground for grant of bail. Further, if the applicant/accused released on bail, there is every possibility that he will adopt all the tactics for pressurizing the complainant and witnesses of prosecution, he will tamper with the evidence by threatening the witnesses and he will also flee away and therefore, strict and strong view in this regard is required to maintain law and order. In a nut shell, it is submitted that on these grounds, the application requires to be rejected.

[6] I have heard the learned advocate for the applicant/accused and also the learned P.P. for the State at length and also gone through the affidavit of the Investigating Officer vide Exh. 5 along with the papers of the Investigation. A perusal of the case record/papers on hand prima facie reveals that the applicant/accused is alleged to have actively participated in the commission of the alleged offense, on account of that, deceased sustained fatal injury and expired. It reveals from the affidavit of I.O. that clothes worn by the accused at the time of offence and vehicle Pick-Up Bolero are recovered during course of investigation and they were sent to FSL. During the post-mortem examination of the deceased Bharatbhai conducted at the Forensic Medicine Department of Sir T. Hospital, Bhavnagar, the

clothing recovered from the body along with DNA samples have been duly seized/taken into custody in the presence of panchas. Upon interrogation regarding the weapons utilized in the commission of the offense, the Accused disclosed that after committing the crime, they fled the scene and hide the weapons of offense behind the residence of Dhirubhai Chanabhai Jiliya. The Accused offered to discover and produce the said weapons, consisting of an axe, a sword, and two iron pipes, which were subsequently seized under a Discovery Panchnama. Thereafter, a report/requisition was submitted to the Office of the Taluka Executive Magistrate and Mamlatdar, Babra, to draw and prepare the map of the scene of the offense. Further, the four-wheeler vehicle of the deceased and the vehicle utilized by the Accused at the time of the commission of the offense were forwarded to the Office of the Assistant Director, Regional Forensic Science Laboratory (RFSL), Junagadh. In the same way, the seized muddamal articles consisting of the clothing worn by the deceased and the Accused at the time of the incident, as well as the blood samples drawn from both the deceased and the Accused, were forwarded to the Office of the Assistant Director, DNA Department, Directorate of Forensic Science (DFS), Gandhinagar and the examination/analysis report of which is currently awaited. It reveals from the affidavit of I.O. that investigation of the crime is over and chargesheet is filed vide A-para Chargesheet No. 79/2026 before the JMFC Court, Babra on 04/08/2026, but the mere conclusion of the investigation does not confer any right to bail in offenses affecting the human body. It is

pertinent to note that, earlier regular bail application (before chargesheet) of the present applicant/accused being Criminal Misc. Application No. 281/2026 has been rejected by this Court on 02/06/2026 on merits considering the gravity of offence. On perusal of the affidavit filed by the Investigating Officer reveals that Sections 191(3), 324(4), and 324(6) of the Bharatiya Nyaya Sanhita (BNS) were added during the course of the investigation; however, the applicant/accused has failed to incorporate these subsequent additions in earlier bail application as well as the present bail application. Since the applicant involves in body related serious offence like murder and looking to the case papers on hand, it is found that the accused is arraigned as an accused of the offence where assault is made by him with the help of other co-accused persons upon the deceased husband of complainant on the issue of removing/uprooting the memorial stones (*Khambhis*) of the ancestral deities (*Surapura*) of the Complainant's maternal family therefore, considering the nature of offence as well as considering the role attributed by the applicant/accused, I do not found it fit to exercise judicial discretion in favour of the applicant/accused, at this stage. Hence, I pass the following order:

-:: ORDER ::-

- (1) The bail application, filed by applicant/accused - **JAGDISH MUKESHBHAI JILIYA**, under Section-483 of the Bharatiya Nagarik Suraksha Sanhita in connection with C.R. No. 11193008260194/2026, registered with Babra Police Station, for the offence punishable u/s. 103(1),

189(2), 189(4), 190, 191(2), 61(2)(a), 351(3), 3(5), 191(3), 324(4), 324(6) of Bharatiya Nyaya Sanhita, is hereby **REJECTED**.

Signed and pronounced in the open Court on this **13th** day of **August, 2026**.

Date : 13/08/2026
Place : Amreli.

(RIZVANA BUKHARI)
Sessions Judge,
Amreli.
UIC No.GJ00916



Sessions Judge,
Amreli.