

GJGN010037462026



RECEIVED ON : 19.09.2026

REGISTERED ON : 19.09.2026

DECIDED ON :

DURATION : _____
YY-MM-DD

IN THE COURT OF THE SESSIONS JUDGE

DIST. GANDHINAGAR

Ex.: 07

CRIMINAL MISC. APPLICATION NO.1569 OF 2026

APPLICANT:
(ORIGINAL ACCUSED)

1. RAVI NAIR
S/O. P.A. NAIR, AGED ABOUT 53 YEARS,
OCCUPATION : JOURNALIST,
R/O. HOUSE NO.B-901,
ASHA DEEP APARTMENT,
PLOT NO.3B, SECTOR-2,
DWARKA, DELHI.
PRESENTLY AT :
AT CENTRAL JAIL, AHMEDABAD

VERSUS

OPPONENT(S):

1. STATE OF GUJARAT
2. ADANI ENTERPRISES LIMITED
THROUGH ITS AUTHORISED
REPRESENTATIVE
MR. ABHISHEK NAIR OR HIS SUCCESSOR-IN-
OFFICE

ADANI CORPORATE HOUSE,
SHANTIGRAM,
NEAR VAISHNODEVI CIRCLE,
S.G.HIGHWAY,
AHMEDABAD.

APPEARANCE:

MR.P.B.RUPALA : LD. ADVOCATE FOR APPLICANT.
MR.S.S.PANDYA : LD. A.P.P. FOR OPP. NO. 1-STATE.

J U D G E M E N T

[1] This is an application preferred by the applicant under Section 483 of the Bharatiya Nagarik Suraksha Sanhita seeking regular bail in connection with the Criminal Appeal No.61/2026.

[2] The applicant was convicted for the offence punishable under Section 499 of Indian Penal Code vide judgement/order dated 10.02.2026 passed in Criminal Case No.877/2021 by learned by the court of Judicial Magistrate First Class, Mansa. Against which Criminal Appeal No.61/2026 was filed by the applicant. In the said appeal, the appellant was released on conditional bail. However, the appellant was not appearing before this court and was filing exemption applications on one ground or the other. Subsequently, non-bailable warrant was issued and the applicant was taken into custody vide order dated 17.09.2026 passed below Ex.18 in Criminal Appeal No.61/2026. Now, this application has been filed for getting regular bail.

[3] The notice was issued to other side. Learned A.P.P. representing the Opponent No.1-State, has appeared before the Court.

[4] At the time of argument, learned advocate for the applicant has submitted that the absence of the applicant was not willful but it was due to bona fide reasons. In exemption application dated 03.09.2026 the applicant mentioned that he appeared before concerned police station against the complaint filed by Adani Ports. Further, the applicant was not well and a medical certificate dated 15.06.2026 advising him for rest for a period of three weeks, was produced before the court. It is submitted that non-bailable warrant came to be issued without prior notice. The applicant has explained the circumstances for his non appearance. It is submitted that mere non-appearance of the accused, does not constitute a valid ground for cancellation of bail. The applicant is in custody since 17.09.2026 and the offence for which the applicant is convicted is non-cognizable and bailable and arising out of private complaint and maximum punishment is for two years.

[4.1] Learned advocate for the applicant has relied upon the following judgements:

- Hon'ble Supreme Court Judgement dated 24.01.2024 delivered in Criminal Appeal NO.383 of 2024 in the case of *Krishna Sharma alias Krishna Kumar Sharma v/s. State of West Bengal & Anr.*

- *Dolat Ram v/s. State of Haryana* (1995) 1 SCC 349 and *Aslam Babalal Desai v/s. State of Maharashtra* (1991) 4 SCC 272
- *Meenakshi v/s. State of Haryana* 2026 SCC OnLine SC 94
- *Inder Mohan Goswami v/s. State of Uttaranchal* (2007) 12 SCC 1

[4.2] Relying on the above judgements, it is submitted that the applicant will regularly remain present before the court and he is ready and willing to abide by any conditions to be imposed upon him. So, he may be released on bail.

[5] Learned APP has appeared for respondent No.1-State and has objected the application and submitted that the applicant is not regularly appearing and if he will be enlarged on bail, the proceedings will get hampered. Therefore, prayed to reject the application.

[6] I have heard learned advocates for the respective parties. I have also gone through the police papers and perused the entire record and examined the case materials available on record. I have respectfully gone through the judgments cited at Bar and have considered the same. The judgements cited by the applicants are not helpful to the case of the applicant and in fact if we refer to Para-53 of the judgement in the case of *Inder Mohan Goswami v/s. State of Uttaranchal* (supra), it describes

that - *When non-bailable warrants should be issued Non-bailable warrant should be issued to bring a person to court when summons of bailable warrants would be unlikely to have the desired result. This could be when: (a) it is reasonable to believe that the person will not voluntarily appear in court; or * the police authorities are unable to find the person to serve him with a summon; or (b) it is considered that the person could harm someone if not placed into custody immediately.* Thus, this judgement goes against the applicant, wherein it is clearly mentioned that when it is reasonable to believe that the person will not voluntarily appear in court, in that case, non-bailable warrants should be issued. In the present case, applicant had sought exemption in order to avoid his arrest in some other case.

[6] In view of above discussion, this court has considered that the applicant was not appearing since many dates and has been arrested after non-bailable warrant was issued against him. Different grounds were conveyed by the applicant from which last ground was the appellant had filed bail application in some other case, in order to avoid his arrest he was absent. Therefore, this court has observed that such ground cannot be considered for granting exemption to the applicant and court cannot help him in absconding. On the date when the present application for bail was filed before this court, on the same date application was filed before Hon'ble Gujarat High

Court and primarily it appears that reliefs of both applications are different, but the net effect of relief sought before this court and before Hon'ble Gujarat High Court are same. So, it seems that the applicant has approached two different forums with similar reliefs and the fact that the present application has been filed is not disclosed in the application filed before Hon'ble Gujarat High Court and the fact that application has been filed before Hon'ble Gujarat High Court, is not disclosed before this court. Therefore, it appears that the applicant is concealing material facts before the court. However, considering the assurance given by the applicant for regular presence during the trial, after due deliberation, I am of the view that the application is required to be allowed, with certain conditions. Hence, following order is passed:

ORDER

The application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 1973 filed by the applicant in connection with the Criminal Appeal No.61/2026, hereby stands allowed subject to payment of cost of Rs.2,000 (Rupees Two Thousand only) to be deposited with the District Legal Services Authority, Gandhinagar, within 7 days from the date of this order with following conditions:-

CONDITIONS :-

- 1] The applicant namely namely RAVI NAIR S/O. P.A. NAIR shall furnish fresh personal bond of

Rs.25,000/- (Rupees Twenty Five Thousand only)
with his recent self-attested Photograph and one
surety to the satisfaction of this court;

- 2] The other conditions imposed by the court vide order dated 09.03.2026 passed below Ex.4 in Criminal Appeal No.61/2026, releasing the applicant on bail for appeal period, will remain unaltered and in force.
- 3] The applicant shall regularly remain present during the appeal and co-operate the Honourable Court to complete the trial;
- 4] Copy of this order be kept in Criminal Appeal No. 61/2026.

Signed and Pronounced in open Court on **24th** day of
September, 2026.

Date : 24.09.2026
Place: Gandhinagar

[ASHISH J.S. MALHOTRA]
GJ01504
SESSIONS JUDGE
GANDHINAGAR

vb/gnr