



IN THE COURT OF HON'BLE ADDITIONAL DISTRICT &
SESSIONS JUDGE, AHMEDABAD [RURAL] AT DHOLKA.

Criminal Misc. Application No.50/2026

Exh.: _____

Applicant/accused : Mosimuddin @ Mohsin Maiyuddin Shaikh
[At present in Sabarmati
Central Jail, Ahmedabad.

V e r s u s

Opponent : The State of Gujarat.

Subject:An Application seeking for Temporary Bail of 30 days.

PRESENT:

Applicant-Accused-Party in Person.

Mr. J.C. Patel, Ld. Public Prosecutor for the State.

:: ORDER ::

1. This application has been preferred by the applicant-accused through the Jailor, Sabarmati Central Jail, Ahmedabad for granting him temporary bail for a period of 30 days in connection with the FIR Part-A being **C. R. No.11192020230454/2023** registered with **Dholka Town** Police Station for the Offences Punishable U/s 302, 120(B), 506(2) & 201 of the Indian Penal Code.
2. Heard the applicant-accused as party in person and Ld. Public Prosecutor Mr. J.C. Patel for the State.
3. The applicant-accused submitted that he is in Sabarmati Central Jail since last 31 months as under trial prisoner. It is further

submitted that in his family, his old aged mother about 65 years and his minor daughter aged about 7 years are there and health of his old aged mother is not well and due to old aged and ailment, his mother is unable to do her daily routine work. It is further contended that presently his minor daughter has become 7 years old and therefore, there is need to take admission in for her education and better future but no one earning member in his family who can arrange the financial assistance for the admission of his minor daughter and therefore, if the applicant may be enlarged on temporary bail, he can arrange the necessary requirements including financial assistance for the admission of his minor daughter for her better future. It is further submitted that his KYC is not updated in his bank as well as mobile number of Adhar Card is required to be updated and if the same will not be done, his bank account would be inoperative and therefore, if the applicant may be enlarged on temporary bail for the limited period, he can arrange all the pending works for his family members as well as for his old aged mother and minor daughter's future and hence, filed the present applicant to grant temporary bail for the period of 30 days. It is further stated that earlier, this Hon'ble Court has enlarged him on temporary bail and during the period of bail, he has not tampered or hampered with the prosecution witnesses or evidence and after completion of bail period, he has surrendered himself before the Jail authority within time. Therefore, on the aforesaid humanitarian ground, the applicant-accused has prayed to grant him 30 days temporary bail. It is further argued that he is ready and willing to abide by all the terms and

conditions in the event of he is being released on temporary bail and lastly prayed to allow the present application.

4. *Per-contra*, the Ld. Public Prosecutor for the State has strongly objected the present application and reiterated the facts of the report filed by the I.O. at Exh.2 and further submitted that the applicant/accused has filed this application for getting temporary bail for 30 days on the ground to update the documents as well as mobile number in his bank account and Adhar Card, proper financial assistance for the better further of his minor daughter who is aged about 7 years and for the medical care of his old aged mother but the grounds mentioned by the applicant/accused are not satisfactory because in the family of the applicant/accused, his one brother and other relatives are available who can look after the requirements of his minor daughter and the financial condition of his family are good. It is further submitted that the present applicant/accused has involved in very serious crime of murder of his wife as the applicant/accused alongwith other co-accused persons have have killed his wife. It is further submitted that the applicant/accused and complainant as well as witnesses are friends of each other and residing in the same vicinity at Ahmedabad and therefore, if the applicant/accused may be enlarged on temporary, there is every possibility to pressurize the complainant for compromise in the present matter and therefore, if the temporary bail may be granted to the applicant/accused, there is every possibility that applicant/accused to jump out the bail and also there is possibility to tamper or hamper with the prosecution witnesses.

Further, the applicant/accused is involved in very serious offence and if the applicant/accused may be granted temporary bail, he is likely to flee away from justice and will not be available at the time of trial and lastly prayed to reject the present application.

5. Having regards to the contentions by the rival parties as well as and considering the report of the investigating officer and the police papers, it transpires that the ground on which the applicant-accused sought for temporary bail are not satisfactory. Further, it transpires that the applicant-accused has sought for 30 days temporary bail on the ground to arrange the financial arrangement for the his old aged mother for the medical treatment and for the better future of his minor daughter who is aged about 7 years. But, considering the report of the Investigation Officer, prima-facie, it appears that the applicant-accused has one brother and other family members who can look after the necessary requirement of his minor daughter and as per the report of the IO, the financial condition of his family is good. Further, the applicant/accused is involved in very serious offence of murder of his wife and this fact is required to be considered. Therefore, considering the seriousness and gravity of offence and reasons stated by the applicant-accused for temporary bail, it does not inspire the confidence of this court to exercise the judicial discretion in favour of the present applicant-accused and therefore, in the interest of justice following order is passed.

:ORDER:

- The present **Cri. Misc. Application No.50/2026** is hereby **rejected**.
- Necessary Yadi be sent to the concerned jail authorities.

Signed & Pronounced in the open Court on this 24 day of March, 2026.

Date :24/03/2026.
Place:Ahmedabad.
P.D. Mishra

[Naresh Girikant Dave]
Additional District & Sessions Judge,
Ahmedabad (Rural) at Dholka.
(UIC No.GJ00467.)