



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

Criminal Miscellaneous Application No.58 of 2026

Exh. _____

**Applicant/accused : Mahammadshakil @ Kalu Shabbirbhai
Khalifa.**

[At present in Sabarmati
Central Jail, Ahmedabad.]

V e r s u s

Opponent : The State of Gujarat.

Subject: An Application for Interim Bail for 30 days.

PRESENT:

Applicant-Accused-Party in Person

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

-:-O R D E R-:-

1. This application has been preferred by the applicant-accused through the Jailor, Sabarmati Central Jail, Ahmedabad for granting him temporary bail in connection with the FIR being **C. R. No.11192020230416/2023** registered with **Dholka Town** Police Station for the Offences Punishable U/s **376(3), 447, 450 & 506(2)** of the Indian Penal Code coupled with **Section 4 & 8** of Protection of Children from Sexual Offences Act, 2012 and **Section 3(1)(w)(1) & 3(2)(5)** of the Prevention of the Atrocities Act.

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 judicial custody since last 30 months at Sabarmati Central Jail, Ahmedabad. It is further submitted that his father has expired in the year-2013 and in his family, only his old aged mother is residing alone and his brother is residing separately since his marriage and therefore, no one in his family except the applicant to look after his old aged mother. It is further contended that applicant's old aged mother is suffering from ailment but no one is earning member in his family except the applicant to arrange the financial assistance for the medical treatment of his mother and to fulfill the essential needs of his family members and therefore, if the applicant may be granted temporary bail for 30 days, he can arrange the financial assistance for the medical treatment of his mother as well as survival of his old aged mother. It is further contended that mother of the applicant is residing in a rented premise and since last six months, the rent of the room is not paid, therefore, if the applicant may be enlarged on temporary bail, he can arrange the financial assistance for the rent. It is further contended that since long time, he is in judicial custody, therefore, his mother is facing grave hardships to live day-to-day life. It is further submitted that the trial would take long time and therefore, applicant is urgent need of temporary bail to arrange the financial requirement of his old aged mother. It is further contended that he had purchased one Acura on loan but since last 12 months, he has not paid the loan amount of Acura and therefore, it is

urgent need of financial assistance. It is further contended that on earlier occasion, he has been enlarged on temporary bail and he has never breached any of the condition. It is further contended 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 appeared and strongly objected the present application and further submitted that the applicant/accused has filed this application for getting temporary bail on the ground to arrange the financial assistance for his old aged mother but the grounds mentioned by the applicant/accused are not satisfactory. It is further submitted that the applicant/accused has committed very serious nature of offence of rape with the minor victim who was merely 15 year 5 months of age and belongs to scheduled castes and therefore, if the applicant/accused may be enlarged on temporary bail, he is likely to put in danger to the complainant and victim. Therefore, considering the seriousness and gravity offence as well as also considering the object of enacting the POCSO Act, the present application is required to be rejected
5. Having regards to the contentions by the rival parties and the police papers, it transpires that the applicant-accused has sought temporary bail for 30 days on the ground to arrange the financial help for his old aged mother to improve the financial condition for the survival of his family members as well as to for the medical treatment of his mother. But, considering the grounds mentioned by the applicant/accused, *prima-facie*, it is not satisfactory to this Court and this fact is required to be

considered. Therefore, considering the fact & circumstances of the subject matter, the grounds mentioned by the applicant-accused are general in nature and therefore no personal presence of the applicant-accused is utmost required. Further, the applicant/accused is involved in very serious offence therefore, considering the seriousness and gravity of offence and in absence of cogent and convincing evidence on record, 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.

:O R D E R:

- The present **Cri. Misc. Application No.58 of 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.)