

CRIMINAL MISC. APPLICATION NO.1054 OF 2025

1. Anita Yadav

...Applicant(s)

v e r s u s

1. Sumitkumar Sureshkumar Yadav

2. State of Gujarat

...Opponent(s)

ORDER BELOW EX.1

1. Present application has been filed by the applicant for cancellation of bail granted to the accused-opponent No.1-Sumitkumar Sureshkumar Yadav vide order dated 13.01.2023 passed in Criminal Misc. Application No.40/2023, by my learned predecessor.
2. On service of notice, the other side Opponent No.1 has appeared through this learned advocate and the opponent No.2-State has appeared through learned A.P.P. and I.O. has filed opinion at Ex.11.
3. Learned advocate for the applicant has submitted that the opponent No.2-accused was enlarged on regular bail by hon'ble court vide order dated 13.01.2023 passed in Criminal Misc. Application No.40/2023. The said bail was granted to the applicant on the condition that he will regularly remain before the trial court and other conditions were also implied. However, the accused is

not regularly remaining present during the trial and not-co-operating hon'ble trial court to complete the trial. As the accused is not appearing before the trial court thereby, he has breached the condition imposed upon him, by the court, at the time of grant of bail. Therefore, the bail granted to the accused may be cancelled.

4. Learned APP has appeared on behalf of the opponent No.-2-State and submitted that there was marital dispute between the applicant and accused for which Criminal Case No.2748/2023 has been filed and the accused is enlarged on regular bail vide CrMA No.40/2023. An application for cancellation of bail vide CrMA No.748/2024 was filed against the accused, however, the same was dismissed by the hon'ble court. The charge-sheet has been filed as per order passed in CrMA No.772/2023 by Hon'ble High Court, it is ordered that accused No.2 and 3 not to be arrested. Therefore, submitted to pass appropriate order.
5. Heard learned advocates for both the sides and considered the material available on record. It appears that after filing of this application for cancellation of bail, the accused has appeared before this court and given assurance that he will regularly appear before the trial court. Further, the court had ordered the accused to pay cost of Rs.25,000/- to the applicant, which is paid by the

accused and a purshish/receipt are produced at Ex.15.

6. In view of above, considering the submission made by the accused and deposition of cost and assurance given by him, this court is of the view that now, no further order is required to be made in this application and the same is required to be disposed off. Hence, and following order is passed:

ORDER

- (a) Present application stands disposed off.

Order signed and pronounced in open court on 06th day of **March, 2026.**

Date : 06.03.2026
Place: Gandhinagar

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

vb/gnr

