

Criminal Misc. Application No. 79 of 2026.

Order below Exh. 1.

1. Present application is filed by *Col. Mandar Joshi, Commanding Officer, 23rd Battalion Brigade of the Guards, Indian Army* for modification of condition of bail order dated 10-04-2023 passed in Criminal Misc. Application No. 52 of 2023 by my Ld. Predecessor. Original accused namely Mukeshbhai Deshurbhai Bhuva was, by order dated 10-04-2023 (supra), released on bail with a condition not to leave the territory of Gujarat State without prior permission of concerned Trial Court. As per the application, the said accused Mukeshbhai Deshurbhai Bhuva is a trained military driver of BMP/ICV and is required to be deputed in a battalion at Rajasthan, but due to conditional bail order, he cannot be moved from Gujarat, but due to shortage of manpower, he is required to be sent to other state and therefore, condition No. 4 as mentioned hereinabove is required to be modified or deleted.
2. On receipt of this application, notices were issued to prosecution as well as original accused. Both have appeared today. State is represented by Ld. APP Mr. M. K. Gohel and original accused has appeared through Ld. Advocate Mr. K. D. Desai. Ld. APP has submitted that original case i.e. Criminal Case No. 1933 of 2023 is already disposed of on 02-01-2026 and has resulted into acquittal of the accused. Copy of the said judgment is produced by Ld. APP as well as Ld. Advocate for the original accused. Criminal Case emerged from the crime

register No. 11186008230473-2023, in connection with which, original accused was released on conditional bail. Therefore, since the original *lis* has resulted into acquittal, bail order or any of the conditions imposed therein doesn't survive. Secondly, there is nothing on record to show that any appeal challenging the judgment of acquittal is preferred by Prosecution and therefore also, original bail order dated 10-04-2023 doesn't survive and thus, there is no impediment for the applicant i.e. Col. to send the original accused to any other state.

In view of the above, present application is hereby disposed of.

Yadi be made to the applicant herein through post or any other mode.

Pronounced in Open Court today on this the **12th day of June, 2026.**

Place:- Una.
Date:- 12-06-2026

(S. M. Govani),
3rd Additional Sessions Judge,
Una, District: Gir Somnath.