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Filed on	07.03.2026
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Decided on	01.04.2026
Duration	Y 00 M 00 D 24

IN THE COURT OF 5th ADDITIONAL SESSIONS JUDGE,
JAMNAGAR

Criminal Misc. Application No.315 of 2026

Applicant :-

Manubhai Goganbhai Modhvadiya,
Age about 53 years, Occupation :Agriculture,
Reside at village Vadala (Harshad) Near Charan I Temple,
Taluka & District : Porbandar.

(Presently in the judicial custody at District Jail, Jamnagar.)

VERSUS

Opponent:-

The State of Gujarat,
Through Learned Public Prosecutor,
Jamnagar.

Appearance:-

Mr. A.H.Joshi learned Counsel for the Applicant
Mr. J.K.Bhanderi, learned P.P. for the State.
Mr. R.D.Gosai, learned Advocate for original complainant.

Subject:- Application seeking provisional enlargement on bail under Section 483 of BNSS (Old Sec. 439 of Cr.P.C.). **(Temporary bail for the period of 15 days)**

J U D G M E N T

1. Applicant herein has filed the present bail application under Section 483 of BNSS, seeking the enlargement on temporary bail for the period of 15 days.
2. Applicant herein has been arrested in connection with crime bearing registration No.11202057250379 of 2025 dated 08/07/2025 registered with Sikka Police station Dist. Jamnagar relating to the offence punishable under Sections 120(b),406, 465, 467, 468, 471 and 114 of Indian Penal Code, 1860 and Sections 3(2)(5), 3(1)(g) of the Scheduled Castes And the Scheduled Tribes (Prevention of Atrocities) Act, 1989
3. The Notice of the application was issued to the prosecution agency and in pursuance thereto the prosecution has put its appearance through learned Public prosecutor and investigating officer filed an opinion. The original complainant has also filed his objections through his learned advocate.

Submission on behalf of learned counsel for the applicant

4. Learned Counsel for the applicant submitted that applicant has been in judicial custody and his regular bail application has been rejected by this Court and Special Atrocity Case No. 19 of 2025 is pending for recording evidence of prosecution. It is submitted that wife of applicant has been suffering from heart decease and requires to medical treatment of angiography and further treatment being husband of wife required money and other aid for treatment and medical case papers attached herewith. It is stated that his presence is necessary for medical treatment. It is prayed to enlarge the applicant on temporary bail for 15 days on humanitarian grounds.

Submission of learned Additional Public Prosecutor for the State:-

5. The Learned Public Prosecutor would put forward his arguments saying that there is prime facie case against the applicant. It is submitted that

as per the affidavit of I.O at Exh.6. wherein clearly stated that present applicant-accused has committed very serious economic offence and created false documents of lands and role attributed by present applicant-accused in alleged offence is very vital. The applicant-accused having criminal antecedent and one offence under section 323, 504 of IPC registered before Bagvadar Police Station of Porbandar District. Further applicant-accused has four brothers and two sons and they can take proper care and attend during the medical treatment of angiography of applicant's wife, hence, temporary bail should not be granted and attendance of applicant is not necessary. Hence, present temporary bail may be rejected.

Submission of learned Advocate Mr. R.D.Gosai for the original complainant :-

The Learned Advocate Mr. Gosai has submitted written objection at Exh.7 and saying that there is prime facie case against the applicant. It is submitted that earlier bail applications filed by the applicant-accused on different grounds were rejected by Hon'ble Sessions Court and Hon'ble High Court of Gujarat on merits. The role attributed by the present applicant-accused in the alleged offence is very vital and serious. So far as concerned medical treatment of applicant's wife, the other family members can be attended during medical treatment and attendance of applicant is not required. It is argued that under the pretext of medical treatment of his wife, the applicant wants to be released on bail. It is prayed to reject the bail application.

Considerations and reasons:-

6. Considering the rival submissions of learned counsel for applicant and learned Public Prosecutor and written objections filed by original complainant. On the perusal of application and the documentary evidence submitted along with the application, the applicant's regular bail application has been rejected and Special Atrocity Case No. 19 of 2025 is pending for

recording of evidence of prosecution. The applicant has been in judicial custody. The applicant has sought temporary bail for days 15 as he wants get proper medical treatment of his wife, who is suffering from heart decease and requires treatment of angiography. I have perused the documentary evidence i.e. OPD Assessment- Cardiology, at Mark 3/3 and echocardiogrphay and color doppler, after examining the patient, noted that coronary angiography is indicated. As discussed above applicant-accused has four brothers and two sons and they can attend and take care during medical treatment of wife of applicant's and attendance of present applicant is not necessary. Considering the role attributed by the present applicant-accused in the alleged offence. Therefore, In such circumstances, I am declined to use my discretion in favour of the applicant to release him on temporary bail, hence pass following order.

:: O R D E R ::

The present temporary bail application stands rejected.

Pronounced and signed on all the pages of this judgment today in the open Court on this 1st day of April-2026.

Date:-01/04/2026
Place:- Jamnagar.

(Sandeep Manharkumar Christy)
I/c. 4th Additional Sessions Judge Jamnagar,
UIC No.GJ00929