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Decided on	:	18.03.2026		
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IN THE COURT OF ADDITIONAL SESSIONS JUDGE
BHUJ-KACHCHH

CRIMINAL MISCELLANEOUS APPLICATION No.327 /2026
(Sessions Case No. 44/2021)
(FOR INTERIM BAIL)

Exhibit : B/10

APPLICANT: **Ashok Liladhar Kanad,**
Aged: 39 Yrs.,
Occupation: Service
R/o. Mota Salaya, Jogivas,
Taluka:- Mandvi- Kachchh
(At present in Judicial Custody.)

VERSUS

OPPONENT: **The State of Gujarat**

Appearance:

Mr.B.S.Goradia:Learned Advocate for the applicant-accused.

Mr.A.R.Desai :Learned Sp.P.P. for the State.

Mr.D.V.Gadhavi :Learned Advocate for the original complainant

**Application seeking Interim Bail under
Section 439(1)(a) of the Code of
Criminal Procedure, 1973**

-:: JUDGMENT ::-

1. The present applicant/accused has moved this application for getting temporary bail of 30 days in connection with the offences punishable under Sections 302, 343, 326, 330, 331, 212, 201, 34, 114 of the Indian Penal Code and under Section 135 of the Gujarat Police Act registered with Mundra Police Station vide Part-A CR No. C.R.No.11205032210048/2021.
2. On service of notice, learned Sp. Public Prosecutor, appeared for the State and filed written objection vide Exh.-7. Further, the Ld. Advocate for the original complainant appeared and filed written objection vide Exh.-9. which is carefully read by me.
3. The learned advocate appearing for the applicant-accused has reiterated the grounds stated in the application and prayed to release the present applicant-accused on interim bail. He has further submitted that the mother of applicant/ accused has developed a thyroid tumor about six c.m. in her throat area and due to this thyroid tumor, his mother's life is in danger and surgery is mandatory. Therefore, to make financial arrangements for his mother's thyroid surgery and to be of financial assistance to the family, he has

requested to grant interim bail for 30 days. He has further submitted that, if the present interim bail application is granted, he will not escape anywhere. Therefore, it is requested to release him on interim bail of 30 days. It is further submitted that the applicant is ready and willing to abide by all the conditions which may be imposed while enlarging him on interim bail. Lastly, it is prayed to allow the present application.

4. The learned Sp.PP for the State has submitted objection vide Exh.-7 and thereby submitted that the applicant-accused is involved in the serious offence. It is further argued that the applicant/ accused is involved in serious offence of custodial death which is very serious in nature, that the alleged offence against accused is very serious and gruesome torture of victim in the police custody, that the role of present accused prima-facie found very material in this case. He has further submitted that, considering the role played by the applicant/ accused in committing this very serious offence, not only this Court, but also Hon'ble High Court has rejected his bail application on merit. He has further submitted that, the trial of the sessions case is almost concluded and the matter is pending at the stage of final argument. Further it is submitted that, co-accused no. 8, Shaktisinh Yogendrasinh Gohil, was released for 10 days as per the order of the Hon'ble Gujarat High Court and was required to surrender at Palara

Jail on January 3, 2026. However, he remained absconding from January 3, 2026, to January 15, 2026, and finally surrendered on January 16, 2026. Under these circumstances, if the present applicant/accused is released on interim bail, there is a possibility that he may also abscond, which could lead to delays in the case. Further, he has also submitted that, few days ago one of the prosecution's witness of this case was attacked in Mundra. An offense has been registered at the Mundra Police Station regarding this incident. . Therefore, interim bail cannot be granted and lastly prayed to reject the present application.

5. Ld. Adv. D.V.Gadhvi also appeared, on behalf of original complainant/victim. He has submitted his written objection vide Exh.-9, which is carefully considered.
6. At the outset, looking to the submission of both the sides, first of all, it is required to note that the charges leveled against the present applicant - accused are very serious in nature. The applicant/accused is in judicial custody for the offence punishable U/s. 302, 343, 330, 331, 326, 212, 201, 34, 114 and Section 135 of G.P. Act. Further, considering the manner in which the present applicant/accused has committed the offence, in collaboration with other accused, it is prima facie apparent that the present applicant/accused is directly

involved in the alleged offence of custodial death which is very serious offence. Further, the trial of the present Sessions case is pending at the stage of final argument and this matter is scheduled on 24.03.2026 for arguments. Considering the role of the applicant/ accused, prima facie it appears that, he is directly and actively involved in the present offence. Further, this applicant/ accused has also preferred various interim bail application frequently on one or other ground but most of applications have been rejected on merits. Further, by way of present application, applicant/accused demanded interim bail for 30 days for remaining present for making financial arrangements for his mother's thyroid surgery and to be of financial assistance to the family. At this stage, It is also required to note that the medical papers which are produced by the applicant/ accused regarding medical condition of his mother are of November- 2025 and no any recent medical papers have been produced by the applicant/ accused to show the current medical status of mother of applicant/ accused. Besides that, it is pertinent to note that other relatives/ family members like his real brother and wife are available for thyroid surgery of his mother as well as making financial arrangement of the family. Further, Jail Superintendent has also sent jail remarks for the present applicant/ accused, in which it is clearly stated in the column of conduct of the accused that the conduct of the applicant/ accused

is not good as noted in column No. 11 of the jail remarks and as per the jail remarks it is clearly appeared that in two occasions, the applicant/ accused had received jail punishment as noted in column No.10 of the jail remarks. Besides that, it is pertinent to note that recently co-accused no. 8, Shaktisinh Yogendrasinh Gohil, was released for 10 days as per the order of the Hon'ble Gujarat High Court and was required to surrender at Palara Jail on 03.01.2026. However, he remained absconding from 03.01.2026 to 15.01.2026, and finally surrendered on 16.01.2026. Under these circumstances, if the present applicant/accused is released on interim bail, there is a possibility that he may also abscond. At this stage it is also required to note that, few days ago one of the prosecution's witness of this case was attacked in Mundra and an offence has also been registered at the Mundra Police Station regarding this incident. Therefore, looking to the facts and circumstances of this case and conduct of the other co-accused and there is full possibility that the accused may be absconded. Hence, looking to the safety of the witnesses of this case and looking to the prayer which made by the applicant/ accused as well as looking to the reasons which cited by the applicant/ accused and looking to conduct of the applicant/ accused as per jail remarks, the grounds as shown by applicant is not seems appropriate to invoke discretionary power to grant

temporary bail. So interim/ temporary bail as requested by accused cannot be allowed. Hence, the Following order:

O R D E R

1. The applicant's present application for interim bail is hereby rejected.

Pronounced in open Court today
i.e. on 18th day of March, 2026.

Place: Bhuj.

Date: 18.03.2026

Hiren Dave

(J.A. THAKKAR)

Additional Sessions Judge,
Bhuj - Kachchh
(GJ-00631).