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Exhibit	:	

IN THE COURT OF 6TH ADDITIONAL SESSIONS JUDGE,
GANDHIDHAM -KACHCHH.

CRI. MISC. APPLIN NO. 427/2026

Applicant : **Kalu Delu Gulzar Sheikh**
Age : 36 years, Occupation : Labour,
Residing at Philip Nagar,
Post : Darermatha, Thana : Muratiya,
Taluka : Nodiya, West Bengal.
At present in Judicial Custody.

Versus

Opponent : **The State of Gujarat,**
Through The Ld. APP,
Gandhidham-Kachchh.

Appearances:

Mr. H. J. Sonpar, Ld. Advocate for the applicant-accused.
Ms. H. P. Gadhvi, Ld. AAPP for the opponent-State.

:: J U D G M E N T ::

1. The present successive bail application is preferred by the applicants - accused for grant of bail u/s.483 of BNSS. Accused came to be arrested for the alleged offence u/s. 103(1) of BNS and Sec. 135 of GPAct, for which F.I.R. bearing C.R. No. 11993006241222/2024 came to be registered with Gandhidham A Division Police Station. The applicants are in judicial custody since 08/01/2025.

That the accused-applicant has filed regular bail application No. 643/2025 before this court, which came to be rejected on 29/11/2025. Now, the present bail application is filed after filing of the charge-sheet, which is registered as Criminal Case No. 2119/2025 and committed to this Court and registered as Sessions Case No. 25/2025 pending before this Court. Therefore, present application has been filed to seeks relief of enlargement on bail u/s.483 of BNSS.

2. The short fact of the the complaint is such that the accused, Kalu Delu Sheikh, was residing with his wife, Tanjuara Bibi and the deceased Tanjuara Bibi was the sister of the complainant. It is alleged that frequent disputes and quarrels used to arise between the accused and the deceased on account of the accused's intention to contract a second marriage and during the course of one such quarrel, the accused allegedly assaulted the deceased and inflicted grievous injuries on her head with an unidentified weapon. As a result of the said injuries, Tanjuara Bibi succumbed to death. Thereafter, the accused allegedly left the dead body of the deceased inside the house in the same condition, locked the room, and absconded from the place of occurrence. It is further alleged that, in committing the aforesaid act, the accused violated the prohibitory order concerning possession and use of weapons issued by the District Collector, thereby attracting the provisions of Section 135 of the Gujarat Police Act in addition to the offence punishable under Section 103(1) of the Bharatiya Nyaya Sanhita, 2023.

3. The Ld. Advocate Mr. H. J. Sonpar for the applicant/accused has submitted that earlier, the applicant/accused has filed bail application bearing CRMA No. 643/2025, which came to be rejected. Now the investigation is completed and the charge-sheet is filed. The applicant was not present at the place of occurrence at the relevant time of the alleged incident and there is no direct evidence connecting him with the commission of the alleged offence. The entire case of the prosecution against the applicant is based upon presumptions and assumptions without any cogent, reliable or independent evidence showing his involvement in the alleged murder. No material has been collected by the Investigating Officer to establish that the applicant had prior knowledge, intention or participation in the alleged act. The allegations leveled against the applicant are prima facie vague, general and based on suspicion only, which is insufficient to deny the liberty of the applicant. The applicant had no knowledge regarding the alleged murder of his wife and has been falsely implicated merely on the basis of conjectures and surmises. There is no eye witness account or incriminating circumstance directly connecting the applicant with the alleged offence. Though, the identification of the deceased is done on 7th the body of the deceased shown as unknown person in PM. IMEI No. of mobile phone of the accused are different. The applicant has deep roots in the society. There is no antecedent against the applicant. There is no question of tampering with the evidence nor he could be absconded or fled away if released. That the

investigation is substantially completed and a charge-sheet has been filed vide Criminal Case No. 2119/2025 and the same has been committed which came to be registered as Sessions Case No. 25/2025 and therefore further detention of the applicant would amount to pre-trial punishment. Beside routine contentions, he has further submitted that the applicant is local resident of Taluka : Nodiya, West Bengal, if released on bail, is not likely to abscond. It is further submitted that the applicants shall comply all the conditions that may be imposed. Hence, urged to release the applicants on regular bail. The Ld. Advocate has relied on the judgment of the Hon'ble Supreme Court in the case of Sanjay Chandra V/s. CBI, reported in 2011 LawSuit (SC) 1239.

4. Per contra, the Ld. APP Ms. H. P. Gadhvi for the opponent - State has submitted the affidavit of the I.O. and has argued that the whole case is based on direct evidence as well as circumstantial case. At the time of bail, Court cannot appreciate the evidence on record and same to be taken his face value to find out the prima facie case made out or not. Therefore, she has submitted that involvement of the applicant is prima-facie on the face of record. She has submitted that the present application is filed after charge-sheet but, as the earlier application has been rejected and upon considering the same material which is available before the Court, no new material brought before the Court by the accused. Therefore, present application is also required to be rejected. After rejection of Bail Application No.643/2025, the accused

has brought the present successive bail application which does not required any consideration. That if the applicant/accused is granted bail, he may jump the bail and will not remain present during the trial. Therefore the present bail application be rejected.

5. I have heard the learned Advocate appearing for the applicant and the learned APP for the State. I have also perused the charge-sheet papers, the affidavit filed by the Investigating Officer, and the material placed on record. At the outset, it is required to be noted that the present application is a successive bail application preferred under Section 483 of the BNSS. The earlier regular bail application being Criminal Misc. Application No. 643/2025 came to be rejected by this Court on merits after considering the material then available on record. Therefore, before entertaining a successive bail application, the Court is required to ascertain whether any substantial change in circumstances has occurred or whether any new ground has emerged after rejection of the earlier bail application. On perusing the order of earlier bail application and upon considering the argument on behalf of the applicant, no new circumstance of substantial nature has been pointed out by the applicant. On perusal of the record, it appears that the allegations against the applicant are serious in nature and pertain to the offence punishable under Section 103(1) of the Bharatiya Nyaya Sanhita, 2023. The charge-sheet has already been filed and the case has been committed to the Court of Sessions, where it is registered as Sessions Case No. 25/2025. In the

present case, no new ground, fresh material, or significant change in circumstance has been demonstrated by the applicant. Considering the nature and gravity of the accusation, the material collected during investigation, the fact that the earlier bail application was rejected on merits, and in absence of any change in circumstances or emergence of any new ground, this Court is not inclined to exercise discretion in favour of the applicant. Accordingly, the present successive bail application deserves to be rejected. Therefore, without further discussion on merits of case, I pass the following order:-

-: ORDER: -

The Bail application is rejected and is ordered to stand accordingly disposed of.

Pronounced in Open Court today i.e. on 4th Day of **June, 2026.**

Date: 04/06/2026
Place : Gandhidham

(Rakesh J. Patel)
UID No.GJ 00833
6th Additional Sessions Judge,
Gandhidham.