



Instituted on	26/02/2026
Registered on	26/02/2026
Decided on	03/07/2026
Duration	Y __ Mo __ Days

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**IN THE COURT OF 9TH ADDITIONAL SESSIONS JUDGE,  
 AT GONDAL, DIST. RAJKOT**  
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**Cr. M. A. No. 133 OF 2026
 (Cancellation of Bail)
 Ex.No._____**

APPLICANT:-

- 1. THE STATE OF GUJARAT,
 Through Addl.P.P.,
 Gondal.**

V E R S U S

OPPONENT:-

- 1. VIPINKUMAR VIRENDRASINH JAT,
 Male, Age-Adult, Occp. ---,
 Naglakali (Sadabaug), Madakbhoj,
 Hathras (Uttar Pradesh)**

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**For Cancellation of Regular Bail Under Section 483(3) of B.N.S.S.**  
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(Gondal Taluka Police Station C.R.No.11213015250504/2025)
 (Offence U/s.109,54 & 61(2) of BNS & U/s. 25(1-B)(A) of Arms Act)
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For Opponent/State :- Ld. Addl.P.P. Mr. J.D.Chavda.

For Opponent/Accused :- None – Absent.  
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:- J U D G M E N T :-

- (1) The present Criminal Misc. Application has been preferred with prayer to cancel the regular Bail granted to the opponent herein by the Hon'ble High Court of Gujarat vide order dated 14/11/2025 passed in the Cri. Misc. Application No.23394 of 2025 in connection with the crime registered at Gondal Taluka Police Station C.R.No.11213015250504/2025 for the offence punishable under Section 109, 54 & 61(2) of BNS & U/s. 25(1-B)(A) of Arms Act.
- (2) Read the application. Heard the Ld. APP Mr. J. D. Chavda for the applicant/State. Despite serving with the notice of this application and repeated call out, neither opponent/accused himself nor through his learned advocate remained present before this Court.
- (3) On behalf of the Applicant, Ld. APP Mr. J. D. Chavda has submitted that the accused has been released on regular bail vide order passed in Cr.M.A. No.23394/2025 on 14/11/2025 by the Hon'ble High Court of Gujarat upon certain conditions and he has flouted the conditions and has not complied with the conditions imposed by the Hon'ble High Court of Gujarat in the bail order passed in said application. It is further submitted by the Learned Addl.P.P. that as per condition No.(D) in the said bail order, the accused shall not leave the State of Gujarat without prior permission of the Sessions Court concerned, but the opponent/accused has left the State of Gujarat without prior permission of Sessions Court, Gondal and

thereby committed breach of condition No.(D) of the bail order. As per condition No.(E) in the bail order, the opponent/accused shall mark presence before the concerned Police Station once every 15 days till the charge is framed and thereafter once in a month for a period of six months. But, the opponent/accused has not remained present before the concerned police station and has not marked his presence before the concerned police station. He has further submitted that as per condition No.(F) in the said bail order, the applicant shall furnish the proposed address of residence in the State of Gujarat to the IO and also to the Court at the time of execution of the bond and shall not change the residence without prior intimation to the IO. But, till today, the opponent/accused has not furnished the proposed address of residence in the State of Gujarat to the IO and concerned Court and thereby, the opponent/accused has committed breach of conditions No. (D), (E) & (F) of the regular bail order of the Hon'ble High Court of Gujarat. Therefore, this application has been filed to cancel the regular Bail granted to the accused and pass necessary order to take the accused in judicial custody.

- (4) Upon presentment of the present application, notice was issued to the opponent/accused which has been duly served to the opponent/accused on his Mobile Number, as stated by the Police Agency in the endorsement made below the notice produced vide Ex.5. The said notice was issued to the opponent/accused to appear before this Court on 12/03/2026 which has been duly served but the opponent/accused has chosen not to appear and has not

appeared before this Court till date. After service of notice to the opponent/accused, this Court has waited for appearance of the opponent/accused till date i.e. for more than three months but the opponent/accused has not appeared before this Court either personally or through his learned advocate.

- (5) At this point of time, it is profitable to consider the observations made by the Hon'ble Supreme Court regarding cancellation of bail in following Judgments.

[A] Bhagwan Singh Versus Dilip Kumar @ Deepu @ Depak : Netram, reported in 2023 (13) SCC 549;

13. It is also required to be borne in mind that when a prayer is made for the cancellation of grant of bail cogent and overwhelming circumstances must be present and bail once granted cannot be cancelled in a mechanical manner without considering whether any supervening circumstances have rendered it in conducting to allow fair trial. This proposition draws support from the Judgment of this Court in Daulat Ram and others v. State of Haryana reported in (1995) 1 SCC 349 , Kashmira Singh v. Duman Singh (1996) 4 SCC 693 and xxx v. State of Telangana (2018) 16 SCC 511 .

14. This Court in Daulat Rams case has held that the cancellation of the bail has to be dealt on a different footing in comparison to a proceeding for grant of bail. It has also been held that there can be supervening circumstances which may develop post the grant of bail and are non-conducive to the fair trial, making it necessary to cancel the bail and this principle has been reiterated time and again and more recently in the Judgment of Ms. X v. State of Telangana (supra).

[B] Dolat Ram Versus State Of Haryana reported in 1995 (1) SCC 349 ;

"4. Rejection of bail in a non-bailable case at the initial stage and the cancellation of bail so granted, have to be considered and dealt with on a different basis. Very cogent

and overwhelming circumstances are necessary for an order directing the cancellation of the bail, already granted. Generally speaking, the grounds for cancellation of bail, broadly (illustrative and not exhaustive) are: interference or attempt to interfere with the due course of administration of justice or evasion or attempt to evade the due course of justice or abuse of the concession granted to the accused in any manner. The satisfaction of the court, on the basis of material placed on the record of the possibility of the accused absconding is yet another reason justifying the cancellation of bail. However, bail once granted should not be cancelled in a mechanical manner without considering whether any supervening circumstances have rendered it no longer conducive to a fair trial to allow the accused to retain his freedom by enjoying the concession of bail during the trial. These principles, it appears, were lost sight of by the High court when it decided to cancel the bail, already granted. The High court it appears to us overlooked the distinction of the factors relevant for rejecting bail in a non-bailable case in the first instance and the cancellation of bail already granted.

"5. We are, therefore, satisfied that the cancellation of anticipatory bail granted to the appellants, for the reasons given by the High court, was not justified. Nothing has been brought to our notice either from which any inference may possibly be drawn that the appellants have in any manner, whatsoever, abused the concession of bail during the intervening period."

[C] Sanjay Kumar Jangid & Anr Vs. Mukesh Kumar Agarwal & Anr. in Criminal Appeal Nos. 2381 of 2025 (Arising From SLP (CRL) NOS. 1632 of 2025) dated 02.05.2025:

*" 16. The jurisprudence surrounding cancellation of bail under Section 439(2) of the CrPC is very clear as to that bail once granted should not be cancelled in a mechanical manner unless any supervening circumstances have rendered it no longer conducive to a fair trial to allow the accused to enjoy the concession of bail during the trial. **The grounds for cancellation of bail as illustrated in Raghbir Singh v. State of Bihar and reiterated in Aslam Babalal Desai v. State of Maharashtra broadly lay down the grounds on***

which a bail can be cancelled where (i) the accused misuses his liberty by indulging in similar criminal activity, (ii) interferes with the course of investigation (iii) attempts to tamper with evidence or witnesses, (iv) threatens witnesses or indulges in similar activities which would hamper smooth investigation, (v) there is likelihood of his fleeing to another country, (vi) attempts to make himself scarce by going underground or becoming unavailable to the investigating agency, (vii) attempts to place himself beyond the reach of his surety, etc. These grounds are illustrative and not exhaustive. It has also been echoed in various judgments that rejection of bail stands on a different platform as compared to cancellation of bail which is considered to be a harsh order as it interferes with the liberty of an individual, and hence, it must not be lightly resorted to."

- (6) In light of the above Judgments of Hon'ble Supreme Court, considering the facts of the present case and arguments advanced by the Learned APP for the State, the main contention of the Learned APP is that the accused has not complied with the conditions of the bail order dated 14/11/2025 passed in the Cri. Misc. Application No.23394 of 2025 by the Hon'ble High Court of Gujarat and hence, the State through the Learned APP has filed present application to cancel the bail of the accused. At this juncture, before advertng to the facts of the present case, it is required to consider the order dated 14/11/2025 passed by the Hon'ble High Court of Gujarat in the Cri. Misc. Application No.23394 of 2025. The Hon'ble High Court of Gujarat in para-10, 11 & 12 has observed as under:-

10. The authority will release the applicant only if he is not required in connection with any other offence for the time being. If breach of any of the

above conditions is committed, the Sessions Court concerned will be free to take appropriate action in the matter.

11. *Bail bond to be executed before the Lower Court having jurisdiction to try the case. It will be open for the concerned Court to delete, modify and/or relax any of the above conditions in accordance with law.*

12. *At the stage of trial, the trial Court shall not be influenced by any observations of this Court which are of preliminary nature made at this stage, only for the purpose of considering the application of the applicant for being released on bail.*

- (7) Considering the order of the Hon'ble High Court of Gujarat, the Hon'ble High Court of Gujarat has empowered this Court by passing the above order that if breach of any of the above conditions is committed, the Sessions Court concerned will be free to take appropriate action in the matter. In the present case, the State has approached this Court through the Learned APP to cancel the bail granted to the opponent/accused for committing breach of the conditions.
- (8) The Learned APP has submitted that the opponent/accused has committed breach of condition No.D which is regarding not to leave the State of Gujarat without prior permission of the concerned Court, Condition No.E that the accused has to mark his presence before the concerned Police Station once every 15 days till the charge is framed and thereafter once a month for a period of six months as well as Condition No.F that the opponent/accused has to

declare his full residential address alongwith mobile number on affidavit before the concerned Court as well as before IO and not to change without prior permission of the concerned Court. Thus, the opponent/accused has committed breach of conditions No.D, E & F of the bail order passed by the Hon'ble High Court of Gujarat. Upon issuing the notice to the opponent/accused, he has not appeared before this Court and has not sought any explanation for non-compliance of the order of Hon'ble High Court of Gujarat. Therefore, it can be safely inferred that the opponent/accused has committed breach of the conditions of the bail order passed by the Hon'ble High Court of Gujarat by going underground and being not available before this court.

- (9) Further, considering the conduct of the opponent/accused though he has been duly served, he has not appeared before this Court and has not obeyed the order passed to appear and give his explanation in this regard. Further, verifying the record of this Court, it appears that the charge sheet has been filed against the present opponent/accused and it has been committed to Sessions Court for trial which has been registered as Sessions Case No.25/2026 and verifying the records of Sessions Case No.25/2026, it transpires that the opponent/accused has not appeared before this Court in the trial also and non-bailable warrant has also been issued against the present opponent/accused. Due to the absence of the opponent/accused, the trial has been prolonged and the trial against the other accused has

also not started. Therefore, the absence of the present opponent/accused has affected the process of trial also.

- (10) Considering the observations made by the Hon'ble Supreme Court in the above cases, bail once granted cannot be cancelled in a mechanical manner without considering whether any supervening circumstances have rendered it no longer conducive to allow the accused to retain his freedom by enjoying the concession of bail during the Trial. Considering the facts of the present application in light of the above stated observations made by the Hon'ble Supreme Court, it appears that the State through the Learned APP has brought on record supervening circumstances which have rendered conducive to allow the accused to retain his freedom as such he has flouted the conditions of the bail order and has not remained present during the course of trial as well as has not remained present to give any explanation of the present application and thereby, the opponent/accused has committed interference with the due course of administration of justice and also committed attempt to evade the due course of justice by fleeing away from the hands of justice and therefore, it can be presumed that the opponent/accused has abused the concession granted to him by committing the breach of conditions of the bail order and therefore it can be inferred that there exist cogent and overwhelming circumstances for cancellation of grant of bail. Therefore, considering the totality of the

facts and circumstances of the case brought on record by the applicant i.e.State through the learned APP, it appears that the present application requires consideration and hence, the following final order is passed in the interest of justice.

:- FINAL ORDER :-

1. The application of the applicant for cancellation of regular bail granted to the opponent/accused is hereby **Allowed**.
2. The regular bail granted to the opponent/accused is hereby cancelled.
3. The opponent/accused is hereby ordered to be taken in custody forthwith and the concerned trial Court is hereby directed to issue Non-Bailable Warrant against the opponent/accused in accordance with law.
4. Copy of this order be kept with the Sessions Case No.25/2026.
5. Copy of this order be sent to the concerned police station and the concerned Learned Trial Court for information and necessary action.

Signed and Pronounced in the open Court today on this **3rd day of July, 2026** under my hand and seal of this court.

Dated : 03/07/2026
Place : Gondal

(**Riteshkumar Kantilal Modh**)
9th Additional Sessions Judge,
Gondal, Dist. Rajkot
(GJ00825)