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 IN THE COURT OF 9TH ADDITIONAL SESSIONS JUDGE,  
 AT GONDAL, DIST. RAJKOT  
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**Cr. M. A. No. 135 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. IMRAN @ BAPUDI ASAMBHAI SAIYAD,  
Male, Age-Adult, Occp. ---,  
Panchshila Society, Street No.1,  
B/h. Pujara Mobile, Gondal Road,  
Rajkot.

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**For Cancellation of Regular Bail Under Section 483(3) of B.N.S.S.**  
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(Metoda GIDC Police Station C.R.No.11213099250728/2025)  
 (Offence U/s.109(1),118(2),189(2),189(4),190,191(2)(3),351(3),352 & 61(2)(A) of BNS)  
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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 this Court vide order dated 23/01/2026 passed in the Cri. Misc. Application No.225/2026 in connection with the crime registered at Metoda GIDC Police Station C.R.No.11213099250728/2025 for the offence punishable under Section 109(1), 118(2), 189(2), 189(4), 190, 191(2)(3), 351(3), 352 & 61(2)(A) of BNS.
- (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.25/2026 on 23/01/2026 by this Court upon certain conditions and he has flouted the conditions and has not complied with the conditions imposed by this Court in the bail order passed in said application. It is further submitted by the Learned Addl.P.P. that as per condition No.2 in the said bail order, the accused has to mark his presence on every Saturday before concerned Police Station till filing of the charge sheet, but till today, the opponent/accused has not marked his presence before the concerned Police Station and thereby committed breach of condition No.2 of the bail order. As per condition No.7 in the bail order, the

opponent/accused the applicant has to furnish his address of residence with mobile number to the concerned Court and to the concerned IO on affidavit, but, till today, the opponent/accused has not furnished his address of residence with mobile number and thereby, the opponent/accused has committed breach of conditions No.2 & 7 of the regular bail order of this Court. 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 and he has been served with the notice in Jail as he was in custody in another offence and thereafter he was produce through video conference before this court. He has submitted that, he want to engage private advocate and want to make necessary submission in person, therefore the jail authority was directed to produce the accused personally before this Court. But, as per the letter of Jail Authority, before the next date, the accused was released on bail in another offence, in which he was in judicial custody. But after releasing on bail in another offence, he has chosen not to appear before this Court till date. This Court has waited for appearance of the opponent/accused till date 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 23/01/2026 passed in the Cri. Misc. Application No.25/2026 by this Court and hence, the State through the Learned APP has filed present application to cancel the bail of the accused.
- (7) The Learned APP has submitted that the opponent/accused has committed breach of condition No.7 which is regarding furnishing of address of residence with mobile number to the concerned Court and concerned IO on affidavit as well as Condition No.2, which is regarding marking presence by the accused before the concerned Police Station on every Saturday till the charge sheet is filed. Thus, the opponent/accused has committed breach of conditions No.2 & 7 of the bail order passed by this Court. Upon serving 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 this Court. Therefore, it can be safely inferred that the opponent/accused has committed breach of the conditions of the bail order passed by this Court by going underground and being not available before this court.
- (8) Further, considering the conduct of the opponent/accused though he has been duly served through jail authority, he has not appeared before this Court after releasing on bail in another offence and has not obeyed the order passed by

this court to appear and give his explanation in this regard. Further, the chargesheet is filed in the offence against the present accused and it is registered vide CC No.340/2026 before Civil Court, Lodhika, Dist. Rajkot and considering the case status, it appears that the present accused has not appeared before the Ld. Trial Court.

- (9) 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 **IMRAN @ BAPUDI ASAMBHAI SAIYAD**, in connection with the crime registered at Metoda GIDC Police Station C.R.No.11213099250728/2025 for the offence punishable under Section 109(1), 118(2), 189(2), 189(4), 190, 191(2) (3), 351(3), 352 & 61(2)(A) of BNS 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 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 **4<sup>th</sup> day of July, 2026** under my hand and seal of this court.

Dated : 04/07/2026

Place : Gondal

( **Riteshkumar Kantilal Modh** )

9<sup>th</sup> Additional Sessions Judge,

Gondal, Dist. Rajkot

(GJ00825)