

	D/ M/ Year
Received on	: 03/03/2026
Registered on	: 03/03/2026
Decided on	: 07/03/2026
	=====
<i>Duration</i>	: 04-00-00
	DD-MM-YY

**IN THE COURT OF 3rd ADDITIONAL DISTRICT & SESSIONS JUDGE,
DHRANGADHRA**

Criminal Misc. Application No.57 OF 2026

Pradipsinh @ Padubha Chandubha Zala
Aged 44 years, Occu. Agricultural,
Residing at: Jiva,
Ta. Dhrangadhra, Dist. Surendranagar.

... Applicant

VERSUS

THE STATE OF GUJARAT

... Opponent

Appearance:-

Shri J.D.Zala, Ld. Advocate for the Applicant

Shri P.B.Makwana, Ld. Advocate for the Opponent-State

APPLICATION SEEKING REGULAR BAIL UNDER SECTION 439 OF CR.PC.

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

- 1) The applicant/accused has filed this application under Sec.439 of the Code of Criminal Procedure,1974, seeking regular bail in connection with I-CR.No. 71/2017 registered with Dhrangadhra Taluka Police Station for the offence punishable under Section 302, 307, 323, 326, 337, 120B, 201, 147, 148, 149 of IPC and Section 135 of GP Act.
- 2) Heard the Ld. Advocate for the applicant, Mr. J.D.Zala and Ld.A.P.P. for the opponent, Mr. P.B.Makwana.

- 3) The Ld. Advocate for the applicant has strenuously argued that, the applicant is in judicial custody since 16/03/2020. The chargesheet was filed and Sessions Case No. 10/2020 which is pending before this Court. It is submitted that, the applicant accused was released on temporary bail by the Hon'ble High Court on 12/03/2021 and as he was married and the financial condition of his family was not well and the agricultural land was also not in good condition, he was not able to appear before the police authority after completion of his bail period. Thereafter, he himself surrendered before the Thangadh police station on 06/07/2025 and from there he was taken under judicial custody on 10/07/2025 for other offences. It is argued that, the applicant has not committed any offence, the applicant is being falsely implicated in the present offence. It is submitted that, earlier the applicant accused has filed Cr.M.A.No. 240/2025 for regular bail, which was rejected by this Court and thereafter preferred Cr.M.A.No. 17978/2025 before the Hon'ble High Court of Gujarat which was withdrawn and with respect to this, the applicant accused has produced the list of bail applications preferred by him vide Exh. 4. It is submitted that, investigation is completed and chargesheet has been filed and Sessions Case No. 10/2020 is pending before this Court. In the present case, the co-accused were released by the Hon'ble High Court of Gujarat on regular bail vide Cr.M.A.No. 384/2021, 1394/2021, 6420/2021, 9007/2021, 13196/2021 and 30617/2017 and on anticipatory bail vide Cr.M.A.No. 17947/2018 and 20258/2018. The applicant is ready to abide by any of the conditions, which may be imposed by this Court. If the applicant is enlarged on bail, there is no probability to flee from justice. Under all these circumstances, the bail application is required to be granted to the present applicant. Hence, it is prayed to allow the present application of the applicant.
- 4) The notice was issued to the other side. The complainant has raised no objection in granting the present bail application of the applicant. The Learned APP Mr.P.B.Makwana representing the State and submitted the affidavit of the Investigating Officer at Exh.5 is filed in the present case. The APP

Mr.P.B.Makwana has submitted that the present offence is under Section 302 etc of IPC. He has argued that the applicant accused is well conversant with the facts and has committed heinous crime. Looking to the affidavit of the IO, it is submitted that, before few days of the incident, one Indrasinh Bachubha Zala was murdered and keeping in mind the enmity of the same, the applicant accused along with the co-accused has created unlawful assembly and had thrown stones in the house of Bharwad community and with weapons like sword, iron pipe and dhoka had inflicted injuries over the head to the witness Ranabhai Kamabhai due to which he succumbed to the injuries and have committed the offence. The offence committed by the accused are of serious nature. Considering the role attributed by the accused and considering the affidavit of IO at Exh. 5 as well as considering the gravity of offence, accusation and effect of bail, the bail is requires to be rejected.

- 6) I have perused all the relevant pleadings as well as police papers produced on record. It is pertinent to note that, at the time of the occurrence, the victim was murdered and the role played by the present accused read with the affidavit submitted by the IO, along with the police papers, the present applicant accused has conspired with the co-accused to commit the present offence. Looking to the records of the case, it is clear that, the names of the accused was there from the beginning. It is further found that, the role attributed by the present applicant accused is similar to that of the co-accused and has conspired to murder the deceased. Furthermore, looking to the case papers, it is clear that, earlier the bail application of the present applicant accused was rejected by this Court vide Cr.M.A.No. 351/2020, 7/2021 and 240/2025. Moreover, the co-accused were released on bail application by this Court vide Cr.M.A.No. 121/2022, 20/2024. Further, the applicant accused was released on temporary bail by the Hon'ble High Court of Gujarat vide R/Criminal Misc. Application No. 4320/2021 on 05/03/2021. Thereafter, the applicant accused was released on 12/03/2021 on temporary bail for a period of three days but the applicant accused did not appear before the jail authority after completion of the bail period and thereafter, the police arrested the applicant accused for other offences and was sent to judicial custody on

10/07/2025. Further, the co-accused were released by the Hon'ble High Court of Gujarat on regular bail vide Cr.M.A.No. 384/2021, 1394/2021, 6420/2021, 9007/2021, 13196/2021 and 30617/2017 and on anticipatory bail vide Cr.M.A.No. 17947/2018 and 20258/2018. Now, looking to the affidavit of IO, the present applicant after the incident was absconding for one and a half year and after the warrant was issued, he was arrested and then after, he has committed offence when he jumped the parole, which is registered before Dhrangadhra Taluka Police Station vide Cr.No. 514/2025 regarding which he was arrested on 07/07/2025. Further, there are past antecedents of the present applicant accused. Therefore, looking to the overall facts and circumstances of the case, police papers, affidavit of IO, affidavit of complainant and the misconduct of the applicant accused that, he was absconding for one and a half year and has jumped the parole and during that time has committed other offences, in my opinion, looking to the gravity and seriousness, it does not find just and proper to exercise discretion to grant bail. In view of the above, this application is required to be rejected. Hence, the following order is passed.

-: ORDER :-

- ◆ The present regular bail application of the applicant accused - **Pradipsinh @ Padubha Chandubha Zala** in connection with **CR.No. 71/2017** registered with Dhrangadhra Taluka Police Station for the offence punishable under Section 302, 307, 323, 326, 337, 120B, 201, 147, 148, 149 of IPC and Section 135 of GP Act is hereby **rejected**.

The order is pronounced in the open court on **7th** day of **March, 2026** under my hand seal.

Date :07/03/2026
Dhrangadhra.

(Mukeshkumar Pratapbhai Chaudhari)
3rd Additional District & Sessions Judge,
Dhrangadhra.
(GJ00653)