

**IN THE COURT OF 4Th ADDITIONAL SESSIONS JUDGE,
AT SURAT**

**Cr. M. A. (INTERIM BAIL) No. 1494 of 2026
in Sessions Case No. 51/2021**

Exh. __

Applicant/ : **Devendra @ Bunty Krishana Murari Mishra**
Accused Aged about 30 years,
Resident of - Flat No.104, Hari Darshan Society,
Palsana, Surat.
At Present in Lajpore Central Jail, Surat

VERSUS

Opponent : **State of Gujarat**

Application U/s. 439(1) of Cr.P.C. for Interim Bail

Appearance :-

For Applicant / Accused :- Ld. Advocate Mr. H. N. Patil

For Opponent :- Ld. APP Mr. T. A. Pancholi

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

(1) Read the application. Heard Ld. Advocate on behalf of the applicant/accused and Ld. A.P.P. for the opponent i.e. State.

(2) This application has been filed for temporary bail, by the applicant in regard to the offence registered at Pandesara Police Station vide C. R. No.11210045200160/2020 for the offences punishable under Sections 302 of Indian Penal Code and Sec.25(1)(1-AA), 27(3) of the Arms Act and U/s. 135(1) of the G.P.Act.

(3) It has been submitted by Ld. Advocate for the applicant, that the applicant is in the judicial custody since 25/01/2020. The applicant is in need to arrange finance for his advocate's fees for Trial and also for bail fees, and hence, the applicant is prayed to release him on temporary bail for 30 days. It is further submitted that the Police has already filed charge-sheet in this case and the matter has been committed for trial before this Court. The applicant/accused being resident of Surat and will never flee away from justice, as such, this is a fit case to use discretion, and hence, Ld. Advocate for the applicant has prayed to allow this application.

(4) On behalf of the opponent, Ld. APP has filed a report of concerned Police Officer. It has been submitted by the Ld. APP that the applicant is an accused of very heinous crime of murder and present applicant is main accused of this offence. It is further submitted that as per police opinion submitted at Exh.4, if interim bail is granted, there are very high chances that the applicant would flee away and would threaten the witnesses and he would not be available for trial and also involve in such offence again, and hence, it is urged to reject this application.

(5) Having heard the Ld. Advocates and after going through the record, it transpires that the applicant is accused of heinous crime under Sections 302 of Indian Penal Code and Sec.25(1)(1-AA), 27(3) of the Arms Act and U/s. 135(1) of the G.P.Act. The matter is very sensitive and there are reasonable apprehensions of threatening and influencing the witnesses. There is no sufficient reason to entertain this temporary bail application of the applicant.

Further, The applicant/ accused is involved in serious case of murder and the case depends on independent witnesses, and hence, if

the applicant/accused is released on the bail, tampering with evidence of the prosecution cannot be ruled out. It is also required to note that the applicant is involved in six other criminal offences and earlier his temporary bail applications were rejected by Hon'ble Sessions Court, Surat. There are reasonable chances of flee away of the present applicant/accused if he released on the temporary bail and not available for Trial as per the opinion of IO.

Hence, it does not reveal any cogent reason to release the applicant on temporary bail from the application and/or arguments of Ld. Advocate of the applicant, hence, this application does not require consideration. Considering all these facts and considering the seriousness and gravity of the offence, this Court is not inclined to exercise discretion in favour of present applicant/accused to grant him interim bail, and hence, I pass the following final order:-

-: ORDER :-

The application of the present applicant to release him on temporary bail is hereby **rejected**.

Pronounced in the open Court today on this 11th day of March, 2026 under my hand and seal of this Court.

Dated : 11/03/2026

(Jayeshkumar Laxmanbhai Shrimali)

Place: Surat

4th Additional Sessions Judge, Surat

(GJ00672)