

RECEIVED ON : 03/07/2026
REGISTERED ON : 03/07/2026
DECIDED ON : 08/07/2026
DURATION : Y. M. D.
00 00 05

EXH. No. :

**IN THE COURT OF ADDITIONAL SESSIONS JUDGE,
BANASKANTHA AT THARAD**

Cri. Misc. Application No. 354 of 2026

Barot Vijaykumar Subjibhai

Age : 24 Years, Occupation : Farming,

R/o. Sanval, Taluka : Vav, Dist. : Banaskantha

Applicant.....

Versus

The State of Gujarat,

Through AP.P Shri,

Opponent.....

APPLICATION FOR TEMPORARY BAIL

APPEARANCE :

- Ld. Advocate Mr. S. U. Sodha for the applicant.
- Ld. Advocate Mr. S. V. Soni for the original complainant.
- None for the opponent-State.

J U D G M E N T

- 1) The applicant – accused has preferred this application for seeking temporary bail for 15 days in connection with Sessions Case No. 07 of 2024 consolidated with Sessions Case No. 13 of 2024 which has arisen from FIR No. 11195030230149/2023 registered at Mavsari Police Station, Banaskantha for the offences punishable under section 302, 307, 34, 120-B, 427, 143, 148, 149 of IPC and Section 25(1A) and 27(3) of the Arms Act and Section 135 of the G.P. Act.
- 2) Pursuant to filing of the application, notice came to be issued and served upon the opponent State and none has appeared on behalf of the State. The P.I. Mavsari Police Station has appeared and submitted its report at Exh.5.
- 3) It is argued on behalf of the applicant that the applicant has been in custody since 08.04.2024 and the applicant is enrolled at Baba Saheb Ambedkar Open University, Ahmedabad in the examinations of Bachelor of Arts (Hons.) History, which are scheduled from 18/07/2026 to 28/07/2026 and as the applicant requires time for study in relation to these examinations and to attend the said exams, he needs interim bail for a period of 15 days. It is further argued that the applicant is ready to abide by all the conditions imposed by this court. With these arguments, the learned advocate for the applicant has prayed that the present application may be allowed.

- 4) The P.I. Mavsari Police station has appeared and filed its report at Exh.7 and has submitted that the applicant is in custody in a serious offence punishable under section 302, 307, 34, 120-B, 427, 143, 148, 149 of IPC and Section 25(1A) and 27(3) of the Arms Act and Section 135 of the G.P. Act. It is further submitted that the alleged examination are scheduled from 18/07/2026 to 28/07/2026 but the applicant is an accused in a heinous offence and he is one of the prime conspirator of present case and if he would be released on temporary bail, there is a strong apprehension that he may abscond and he would evade the process of law or would attempt to kill the complainant of this case and prayed for the rejection of the present application.
- 5) The original complainant has also appeared through Ld. Advocate Mr. S. V. Soni and filed written objections against the present application at Exh.6 and raised various contentions against it.
- 6) I have heard arguments of both the parties and perused the record. As far as contention regarding time for study in relation to above said examinations and to attend the said exams, is concerned, it appears from the report at Exh.5 that the applicant is an accused in a heinous offence of murder and he is one of the prima conspirator of the present case. Further, the original complainant has also filed written objections against the present application at Exh.6 and raised various contentions against it and this

court is of the view that if the applicant would be released on temporary bail, there is a strong apprehension that he may abscond and he would evade the process of law or would attempt to kill the complainant of this case. Further, it appears that the accused is repeatedly filing temporary bail applications by citing unnecessary reasons, thereby disregarding legal procedures and attempting to disrupt the court's proceedings.

- 7) Further, as per the purshis filed by the Ld. Advocate for the applicant at Exh.3, it appears that the accused has already been released on temporary bails for various times i.e. **1.** for 7 days vide order passed in R/CrMA No. 9996/2025, by Hon'ble High Court of Gujarat and thereafter, the period had been extended for 3 days vide order passed in R/CrMA No.01/2025, **2.** for 10 days vide order passed in R/CrMA No. 7259/2026, by Hon'ble High Court of Gujarat and it is the clear view of this Court that the applicant/accused has no genuine intention of studying or taking exams; rather, he has developed a habit of remaining out of jail by repeatedly citing unnecessary reasons under the pretext of examinations. Therefore, considering the facts and circumstances of the present application, gravity of the offence, this court does not deem it fit to allow the present application and the same is rejected with following order.

// ORDER //

1. The Criminal Misc. Application No.354/2026 is hereby rejected.

Signed & Pronounced in open Court on this 08th day of July,
2026 at Tharad.

THARAD
DATE : 08/07/2026

(P. M. SAYANI)
ADDL. SESSIONS JUDGE,
BANASKANTHA AT THARAD
CODE No. GJ00575