



Received on : 08/10/2022
Registered on : 08/10/2022
Decided on : 15/10/2022

Exh. : 6

IN THE COURT OF SESSIONS JUDGE, MORBI.

Cri.Misc.Appln.No.881/2022

Applicant :-

- MULRAJSINH AJITSINH JADEJA,**
30 YEARS, HINDU, AGRICULTURAL WORK,
R/O. NITINNAGAR, SHAKATSHANALA,
TAL. & DIST. MORBI,
NATIVE-BHIMKATA, TAL. JODIYA,
DIST. JAMNAGAR.

Vs.

Opponent :-

- THE STATE OF GUJARAT,**

Advocates:-

Mr. J. D. Solanki, Ld. Advocate for Applicant/Accused.

Mr. D. H. Pandya, Ld. Sp. P.P. for Opponent/State.

-:: JUDGEMENT ::-

- 1] The applicant herein has preferred this application to release him on temporary bail for the period of 30 days, on the ground of medical treatment of his wife.

The applicant is accused in Morbi City 'A' Division Police Station vide C.R. No.11189003221157/2022, for the offences punishable u/s.65(a), 65(e), 116B, 81, 83, 86, 98(2) of the Prohibition Act.

[2] The Notice was issued to other side. The Ld. Sp. Public Prosecutor, representing the State, has appeared before the Court and filed report of Investigating Officer vide Exh.5, and resisted the present application.

[3] The Ld. Advocate Mr. J. D. Solanki, appearing on behalf of the applicant/accused has submitted before the Court, that the applicant was arrested in this matter and he is in judicial custody since long. It is further submitted that, the wife of the applicant is having stone in her right side kidney and she is presently suffering too much pain from kidney stone. It is submitted that the medical case papers regarding the treatment of wife of the applicant, is also enclosed with the present application. It is further submitted that the doctor has advised the wife of the applicant to undergo operation for the said illness, but she is not having enough money for

the expenses of the said operation. It is further submitted that, the family of the applicant consists of his wife, his mother and his 2 years old son and thus, there is no other responsible person residing with the family of applicant, who can take care of his wife. Therefore, as there is no other responsible person in their family, who can arrange for the expenses towards the required medical treatment to his wife, the presence of the applicant is necessary. It is further submitted that, the applicant/accused is the only breadwinner of the family and he is having the responsibility to maintain his family and therefore, there is no likelihood of his running away from the trial, if he is released on temporary bail. It is further submitted that, if the applicant is released on temporary bail, he will abide by all the terms and conditions and he will return to jail immediately after completion of temporary bail period. Thus, the applicant/accused has filed the present application to release him on bail, on the humanitarian ground, purely on temporary period of 30 days so that, he may take care of his wife and arrange for the expenses towards the required medical treatment to his wife.

[4] The Ld. Sp. Public Prosecutor, Mr. D. H. Pandya, has submitted before the Court that, the applicant/accused has filed this application to get temporary bail for 30 days on the ground of medical treatment of his wife. It is submitted that, in this regard, the Investigating Officer has recorded the statement of wife of the applicant and also recorded the statement of doctor who has treated the wife of the applicant. In his statement, the doctor has stated that, he had treated the wife of the applicant and he had advised her to undergo operation for her disease. The Investigating Officer has also recorded the statement of wife of the applicant, wherein she has stated that she lives in a joint family and she is having pain due to kidney stone and her treatment is going on since 8 to 9 months, and the doctor has advised her to undergo surgical operation for her problem.

(4.1) It is further submitted that, though the applicant/accused has stated that, his presence is required for the medical treatment of his wife, but the wife of the applicant resides in a joint family of the applicant, and there are other family

members available in their family who can give her required medical treatment. It is further submitted that, the treatment of the wife of the applicant can also be done through "Mukhyamantri Amrutam Yojana" wherein, the government provides medical treatment free of costs and therefore, there is no need of presence of the applicant/accused.

(4.2) It is further submitted that the applicant/accused is having criminal antecedent as there are two other offences registered against him and therefore, if he is released on temporary bail, there are all possibilities that, he will again indulge himself in criminal activities and he will not return to Jail, after temporary bail period is over. Therefore, it is prayed that, as there is no merit in the application, the present application may kindly be rejected.

[5] Heard the Ld. Advocate appearing on behalf of the respective parties and on perusal of the facts of the application as well as documents produced by the respective parties, it transpires that, the applicant/accused has filed the present application

to release him on temporary bail for 30 days, for medical treatment of his wife, namely, Aaratiba, who is suffering from pain of kidney stone. Considering the facts of the present application as well as on perusal of the report filed by the Investigating Officer vide Exh.5, it appears that the applicant/accused is facing charges under the Prohibition Act, and there are other two offences registered against the applicant/accused. It also appears from the report of Investigating officer vide Exh.5, that the wife of the applicant resides in a joint family and there are other adult members in their family, who can give required medical treatment to her. Thus, it appears that, the reasons shown by the applicant for releasing him temporary bail does not appear to be sufficient and genuine and there is no need of presence of the applicant/accused for the reasons shown by him. Therefore, in view of the above, it appears that the applicant/accused has failed to show the genuine and sufficient reason for which he may be released on temporary bail. Hence, following order is passed.

-:: ORDER ::-

- 1). The present application for temporary bail, filed by

the applicant, namely, **Mulrajsinh Ajitsinh Jadeja**,
hereby stands rejected.

Signed and pronounced in the open Court on this **15th**
Day of October, 2022.

(**P. C. Joshi**)
Sessions Judge,
Morbi
Judge Code GJ00334

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