



Received on : 10/10/2022
Registered on : 10/10/2022
Decided on : 01/07/2024

Exh. : 2

IN THE COURT OF SESSIONS JUDGE, MORBI.

Cri.Misc.Appln.No.886/2022

Applicant :-

1. THE STATE OF GUJARAT,
THROUGH P. P., MORBI.

Vs.

Opponent :-

1. MULRAJSINH AJITSINH JADEJA,
R/O. SHAKAT SHANALA, NITINNAGAR,
NAVA PLOT, TAL. & DIST. MORBI.

Application for cancellation of regular bail granted to the opponent in connection with the offence registered in Morbi City 'A' Division Police Station vide C.R. No.I/137/2018, for the offences u/s.302, 307, 120B, 143, 147, 148, 149, 150, 34 of I.P.C., u/s.25(1-b)(a), 27(1) of the Arms Act u/s.135 of G. P. Act.

**BEFORE SHRI R. G. DEVDHARA,
SESSIONS JUDGE, MORBI.**

Advocates:-

Mr. V. C. Jani, Ld. P. P. for Applicant/State.
Mr. Ld. Advocate for Opponent/Accused.

-:: JUDGEMENT ::-

[1] The Police Inspector of Local Crime Branch of Morbi has filed the present application for the taking

appropriate action against the accused for the breach of the bail condition.

[2] The applicant Police Inspector has in his application stated that, the offence under Section 302, 307, 120(B), 143, 147, 148, 149, 150 of IPC and the offence under Section 25(1-b)(a), 27(1) of the Arms Act and the offence under Section 135 of the Gujarat Police Act, was registered with Morbi City 'A' Division Police Station as Part-A C.R. No.137 of 2018 on 08/12/2018, and the complainant of the said case is Arif Gulmahamad Dhola/Mir of Morbi while the accused are Hitendrasinh Karansinh Jhala, Mulrajsinh Ajeetsinh Jhala, Vijaysinh Kadi and four unknown person came on motor cycles.

[3] The applicant has further stated that, the accused have been arrested as sufficient evidences against them were found. Amongst the accused, one accused, namely, Mulrajsinh Ajitsinh Jhala, was also arrested and chargesheet against him was also filed on 11/03/2019 which was registered as Criminal Case No.26 of 2019, and the case was also committed and the same is registered as Sessions Case No.29 of 2019, which is pending for trial. It is further stated that, the said accused had applied for the regular bail before this Honourable Court and the Honourable Court was pleased to allow the said bail Application No.787 of 2019 on 14/10/2019 with certain conditions as mentioned in the application. It was also ordered that, if breach of any of the condition is committed, the Investigating authority was at

liberty to move before the Court for cancellation of the bail. It is further stated that, as per conditions imposed by this Honourable Court, the accused has to maintain law and order, yet he has committed another offence which is also registered with the same police station as Part-C C. R. No.1157 of 2022 under Section 65AE, 116B, 81, 83, 86, 98(2) of the Prohibition Act on 18/07/2022 and the accused was also arrested on 22/08/2022. Therefore, it is stated that, when the accused has made breach of condition No.4 to maintain law and order, the bail granted to the said Accused, Mulrajsinh, in Cr.M.A. No.787 of 2019 be canceled.

- [4] Notice was issued to the Opponent-Accused, who appeared through his advocate.
- [5] Thereafter, this Court has heard the arguments advanced by the either side. The Ld. Public Prosecutor Mr. V. C. Jani has argued according to the contents of the application and he has requested to cancel the bail granted to the accused. So far as the Opponent - accused is concerned, it is stated that the opponent-accused has not made breach of any conditions imposed by this Honourable Court, therefore, it is requested to reject the application.
- [6] Now, upon going through the present application, it appears that, the opponent accused was released on the regular bail by my Ld. predecessor Sessions Judge, in the offence as stated hereinabove, with certain condition. It is stated by the Police

Inspector that thereafter, the opponent - accused has also committed an offence under various sections of the Prohibition Act, therefore, as per say of the Police Inspector, the accused has made breach of the conditions imposed by this Honourable Court and requested to cancel the bail. In this connection, this Honourable Court has gone through the order passed by this Honourable Court in Cr.M.A. No.787 of 2019 on 14/10/2019, and the conditions imposed while granting the bail and it appears that, this Honourable has not imposed any condition which speaks that, in case of any other offence committed by the accused, his bail would be canceled. It also appears that, the conditions in respect of maintaining law and order is there, but registering of the another offence of Prohibition Act itself, can not be said that the opponent-accused has made breach of the bail condition. This Court has also gone through the copy of FIR registered for the offence of Prohibition Act, against the accused, and it appears that his involvement is made as per the statement of the co-accused only and when muddamal was recovered, the presence of the opponent accused Mulrajsinh was also not found. Therefore, just because one FIR is found against the present opponent-accused, is not a ground to cancel the bail granted to him. It is humble opinion of this Court that, for the cancellation of the bail, strong prima facie case is required to be made out against the accused. So far as the case on hand is concerned, when there does not appear very strong prima facie case against the present opponent-accused, this application deserves to be rejected.

Hence, following order is passed :-

-:: ORDER ::-

1). The present application is hereby rejected.

Pronounced in the open Court today on this 1st day of July, 2024.

Place :- Morbi

Date :- 01/07/2024.

(Rajdeepsinh Gumansinh Devdhara)

Sessions Judge,

Morbi

Judge Code GJ00442

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