

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CRIMINAL MISC.APPLICATION (FOR SUCCESSIVE REGULAR BAIL -
AFTER CHARGESHEET) NO. 4970 of 2026**

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JAYVEERSINH VIKRAMSINH JADEJA

Versus

STATE OF GUJARAT

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Appearance:

MR IH SYED, SENIOR ADVOCATE assisted by MR NARENDRA L
JAIN(5647) for the Applicant(s) No. 1

MR KIRTIDEV R DAVE(3267) for the Respondent(s) No. 1

MS ASMITA PATEL, APP for the Respondent(s) No. 1

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CORAM:**HONOURABLE MR. JUSTICE A.Y. KOGJE****Date : 19/06/2026****ORAL ORDER**

1. The present successive regular bail application is filed under Section 439 of the Criminal Procedure Code in connection with Sessions Case No.43 of 2021 pending before the Principal Sessions Judge, Kutch at Bhuj, which is arising out of FIR being CR No.11205032210048 of 2021 registered with Mundra Police Station, Kutch for offence under Sections 302, 343, 326, 330, 331, 212, 201, 34 and 114 of the Indian Penal Code.

2. Learned Senior Advocate for the applicant submitted that the applicant is aged 46 years and is in jail since March 2021 and therefore, considering the nature of the offence, the applicant may be enlarged on regular bail by imposing suitable conditions.

2.1 It is submitted that since the present application seeking regular bail is a successive bail application, the applicant is trying to bring on record only the change in circumstances after order rejecting bail application of the present applicant and no substantial submissions on merits are made.

2.2 It is submitted that after rejection of the bail applications of the applicant, the trial has commenced against all accused persons and during trial, the applicant has remained present and has always cooperated in conducting of the trial. It is submitted that during trial also, there is no incriminating material which is brought against the applicant.

2.3 It is submitted that after non-consideration of the bail applications of the applicant by this Court as well as by the Supreme Court, the Supreme Court has considered case of a co-accused, viz. Shambhu Devraj Jaru by order dated 15.10.2024 in SLP (Cri.) No.14176 of 2024. It is submitted that thereafter coordinate Bench of this Court has considered case of another co-accused, viz. Viral @ Maraj Jitendrabhai Joshi vide order dated 21.10.2024 in Criminal Misc.Application No.8309 of 2023 and thereafter another co-accused, viz. Jayendra Singh Anup Singh Padhiar was also granted bail by coordinate Bench of this Court vide order dated 13.06.2025 in Criminal Misc.Application No.6576

of 2025.

2.4 It is submitted that in view of the aforesaid changed circumstances, i.e. granting bail by the Supreme Court and this Court to the co-accused, case of the present applicant is also required to be considered.

2.5 It is submitted that despite 5 years have passed, the trial is not concluded. It is submitted that earlier, when the applicant was enlarged on temporary bail, he has abided by all the terms and conditions and has surrendered in time.

3. As against this, learned APP appearing on behalf of the respondent-State has opposed grant of regular bail looking to the nature and gravity of the offence. It is submitted that the present applicant is involved in a serious offence of custodial double murder case under Section 302 of IPC.

3.1 It is submitted that moreover, trial is concluded and final arguments have also taken place. It is only for the arguments of three co-accused that the matter is pending. It is submitted that the prosecution has already concluded its final arguments since April 2025 and thereafter, for one reason or the other, accused persons are seeking adjournments to conclude their final arguments and for this, has placed reliance on the report of the Special Public Prosecutor addressed to the office of the Public

Prosecutor, High Court of Gujarat.

4. Learned Advocate for the original complainant submitted that the accused persons are resorting to dilatory tactics. It is submitted that one of the co-accused had made application under Section 91 of the Criminal Procedure Code for bringing on record certain record pertaining to CCTV. The said application was rejected by the trial Court, the High Court as well as the Supreme Court. Yet again, the co-accused filed another application for the same relief, but invoking Section 311 of the Criminal Procedure Code (Section 248 of BNSS) and therefore, accused persons are resorting to dilatory tactics.

5. Having heard learned Advocates for the parties and having perused documents, it appears that the present is the fifth successive regular bail application by the applicant after previous three were rejected with reasoned order /withdrawn by the applicant, details of which are as under:-

Sr. No.	No. of CRMA	Status	Order date
1	CRMA No.5334 of 2021	Withdrawn	30.03.2021
2	CRMA No.8908 of 2021	Rejected by reasoned order	25.08.2021
3	CRMA No.19347 of 2022	Withdrawn	17.03.2023
4	CRMA No.7031 of 2024	Withdrawn	19.07.2024
5.	CRMA NO.12066	Rejected by	08.08.2025

	of 2025	reasoned order	
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6. It also appears that after rejection of the bail application of the present applicant by reasoned order dated 25.08.2021 in Criminal Misc.Application No.8908 of 2021, the applicant had approached the Supreme Court by filing SLP (Cri.) No.9921 of 2021, which was rejected by order dated 25.01.2022 and thereafter, as stated hereinabove two more applications for bail were filed, which were withdrawn.

7. It also appears that after rejection of the bail application of the present applicant by reasoned order dated 08.08.2025 in Criminal Misc.Application No.12066 of 2025, the applicant had approached the Supreme Court by filing Special Leave to Appeal (Cri.) No.12774 of 2025, which was rejected by the Supreme Court by order dated 22.09.2025 and thereafter, the present application seems to have been preferred. While rejecting the Special Leave to Appeal, the Supreme Court observed as under:-

“1. In view of the order passed by the High Court, at present we are not inclined to entertain the special leave petition. Accordingly, the special leave petition is dismissed.

2. However, if the trial does not conclude within a period of four months, the petitioner would be at liberty

to take recourse before the High Court.....”

8. The Court is of the opinion that the offence is of serious nature, i.e. custodial death of two persons, where for the purpose of personal gain in a land dispute, the police machinery is set in motion and that too to such an extent that innocent persons were first implicated in a registered offence of theft against the unknown persons. These persons were subjected to brutalities and the brutalities were also to such an extent that two persons are dead and one has received serious injuries.

9. It is a case where three persons viz. Arjan, Harjog and Samara were arrested in an FIR registered for theft. The said FIR was registered against the unknown persons and under the purported investigation of the offence of theft the aforesaid three persons were taken to the Mundra Police Station. It appears that while three persons were in custody of the police personnel, they have received serious injuries to the extent that Arjan and Harjog died on account of such injuries caused during the custodial interrogation and Injured Witness-Sharman has received serious injuries.

10. So far as argument of parity is concerned, the Court has perused roles of co-accused persons, viz-a-viz the role of the present applicant. The present applicant seems to be attributed

substantial role in commission of serious offence and wanted personal gain in a land dispute. Therefore, ground of parity would not be applicable to the present applicant.

11. The Court has taken into consideration the report of the Special Public Prosecutor addressed to the learned Public Prosecutor of this Court regarding the progress in trial, which is to the effect that prosecution has concluded its final arguments in April 2025. The other accused have also concluded their respective arguments and only final arguments for 3 co-accused are remaining. Now the matter is listed on 04.07.2026 for final arguments.

12. The Court observes dilatory tactics adopted by the defence as one of the grounds for present application argued is filing of one application dated 22.07.2025 under Section 311 of the Criminal Procedure Code read with Section 165 of the Criminal Procedure Code filed by one of the accused for recalling of a witness in connection with CCTV footage. However, the very accused had also filed a similar application at earlier point of time by invoking Section 91 of the Criminal Procedure Code for production of CCTV footage, claiming it to be relevant for his defence. Such application was rejected by the Sessions Court, was carried to this Court and lastly before the Apex Court, which has rejected such prayer by order dated 16.05.2025 in Special Leave to

Appeal (Cri.) No.7458 of 2025, where, in para-4, it is clearly ordered as under:-

“4. In such circumstances, we decline to entertain the Special Leave Petition while leaving it open to the petitioner to take all such pleas, as may be available to him in law, in appeal in case he is aggrieved by the final order passed in the trial.”

13. Despite such application being rejected, subsequent application of similar nature, of course, by invoking different provision of law has been filed as is reported in the communication of the Special Public Prosecutor. The Court has therefore reason to believe that the accused persons are resorting to dilatory tactics.

14. The Court has already rejected the bail application of this accused on merits, which has been confirmed by the Apex Court. Therefore, only ground is that of now delay in trial.

15. Today, the trial is at the fag end of conclusion, where arguments on behalf of three accused is pending. These three accused had filed an application Exh.792 on behalf of accused Nos.8, 9 and 10 for seeking adjournment for recalling of a witness, thereby prolonging the trial and in the order passed below Exh.792 by the trial Court, the trial Court has recorded that the present applicant had no objection, if the matter is adjourned on request of accused Nos.8, 9 and 10. It is pertinent to observe that the effort of

accused Nos.8, 9 and 10 for recall of a witness had travelled to the Supreme Court, where accused Nos.8, 9 and 10 did not succeed for recalling of the witness pending the trial. Over and above, one of the accused had remained absconding for almost 500 days. Therefore, delay in the trial is attributed to the accused and therefore, on the ground of delay, the Court is not inclined to entertain the present application.

16. The applicant appears to be headstrong and influenced persons in the area and has committed several offences and there are approximately 6 offences registered against the applicant.

17. In view of the aforesaid discussion, considering the gravity of the offence and the role played by the present applicant, the Court is not inclined to exercise discretion in favour of the applicant, especially at the fag end of trial. The application therefore deserves to be and is hereby dismissed. Rule is discharged.

(A.Y. KOGJE, J)

SHITOLE

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: MANISH PARSHURAM SHITOLE(HC00188), PRINCIPAL PRIVATE SECRETARY, at High Court of Gujarat on 30/06/2026 13:56:50