

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CRIMINAL MISC.APPLICATION (FOR SUCCESSIVE REGULAR BAIL -
AFTER CHARGESHEET) NO. 15145 of 2026**

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HASMUKH AMRUTBHAI HADIYEL
Versus
STATE OF GUJARAT

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Appearance:
MEHUL A SURATI(7870) for the Applicant(s) No. 1
MR HARDIK SONI, APP for the Respondent(s) No. 1

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CORAM:HONOURABLE MR. JUSTICE NIKHIL S. KARIEL

**Date : 05/08/2026
ORAL ORDER**

1. Heard learned Advocate Mr. Mehul Surati for the applicant and learned APP Mr. Hardik Soni for the respondent-State.
2. Dr. Kalpesh Chandrani, M.D. (Psychiatry), Associate Professor, Department of Psychiatry, P.D.U. Government Hospital, Rajkot is present before this Court.
3. This Court has perused the Certificate issued by the Department of Psychiatry, which contains the examination findings and the diagnosis as regards the present applicant. Prima facie it appears that the present may not be a case where the present applicant may be required to be kept in custody any further for the offence in question, more particularly considering that the present applicant has already put in one year of

custody, yet, considering that the present applicant has a history of being involved in around ten different offences, six chapter cases and nine jail offences and also considering the submission made by learned Advocate Mr. Surati based upon certain certificates and documents annexed in the application, had deemed it appropriate to have the petitioner examined by the Department of Psychiatry, P.D.U. Government Hospital, Rajkot. The relevant part of the Certificate, which is taken on record, is reproduced hereinbelow :

“History Summary :

There is history of behavioral problems since childhood suggestive of mostly Conduct disorder related symptoms.

There is history of multiple substances use related disorder co-morbid with antisocial behavior.

No history of primary psychotic disorders or mood disorders.

Examination findings:

Pt. is conscious, cooperative and oriented to time/place/person, giving relevant answers with normal speech.

Mood: Ok and Sad occ., Affect : Euthymic and appropriate, No abnormality to thought and perception at present with normal cognition and sensorium.

Diagnosis: Multiple Substance use disorders in partial remission with antisocial personality traits.

Recommendation: To reduce current medication and regular follow up consultation for better prognosis.”

4. This Court has also heard the Associate Professor present before this Court and whereas considering the Certificate issued by the Hospital

as well as the oral submissions made by the Doctor, it would prima facie appear to this Court that the present applicant is undergoing a serious psychiatric problem, which requires appropriate psychiatric care. It also clearly appears that the present applicant, at present, is not in a position to interact with society at large, considering the disorderly behaviour, which has been exhibited by the applicant as per the antecedents, as per the submission made on behalf of the applicant and as per the submission made by the learned APP, under instructions. It also appears that the present applicant has a history of abusing substances and also abusing medicines, which have been given to him without proper evaluation.

5. At present, considering such a situation, to this Court since it appears that releasing the present applicant, may have adverse effects on the society at large, at the request of learned Advocate Mr. Surati, more particularly treating the present as a special case, more particularly considering the peculiar facts as noted hereinabove, while not disposing of the present application, the following directions would meet with the ends of justice. This Court is also of the opinion that since the adjournment is at the request of the petitioner and in the peculiar facts of the case, hence the direction of the Hon'ble Apex Court in case of **Anna Waman Bhalerao Vs. State of Maharashtra, reported in 2025 SCC**

Online SC 1974 would not be breached in any manner.

(i) The Jail Authorities, at Rajkot Central Jail, to ensure that proper treatment is provided to the present applicant under the guidance of the Department of Psychiatry, P.D.U. Government Hospital, Rajkot.

(ii) The Jail Authorities shall also under the guidance of the Department of Psychiatry permit the applicant to interact with his family members at regular intervals.

(iii) The Jail Authorities shall ensure very strictly that no banned substances, are made available to the applicant under any circumstances whatsoever.

6. After a period of three months, the condition of present applicant shall be evaluated by the Department of Psychiatry and whereas after the report is submitted by the Department of Psychiatry, this Court will once again re-evaluate the case as to whether the present applicant could be released or not.

List this matter on 02.11.2026.

BDSONGARA

(NIKHIL S. KARIEL,J)