

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CRIMINAL MISC.APPLICATION (FOR SUCCESSIVE REGULAR BAIL -
AFTER CHARGESHEET) NO. 27828 of 2025**

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DILIPKHAN ANATHKHAN MALEK
Versus
STATE OF GUJARAT

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Appearance:

MR MAHESH K POOJARA(5879) for the Applicant(s) No. 1
MR. HARDIK SONI, APP for the Respondent(s) No. 1

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CORAM:HONOURABLE MR. JUSTICE M. R. MENGDEY**Date : 09/01/2026****ORAL ORDER**

1. The Applicant has filed this Application under Section 439 of the Code of Criminal Procedure for enlarging the Applicant on Regular Bail in connection with FIR being C.R. No. 11195050240537 of 2024 registered with Tharad Police Station, Banaskantha for the offence under Section 302 of the Indian Penal Code.

2. Learned Advocate appearing for the Applicant has submitted that the Applicant has been arrested in connection with the present offence on 30.06.2024 and since then he is in the custody. The Applicant has undergone incarceration of more than one and half year. The prosecution has cited as many as 30 witnesses in the charge sheet and out of them only 10 witnesses have been examined and 20 witnesses are yet to be examined. Therefore, there is no possibility of conclusion of the trial in the near future.

3. Learned APP has opposed the Application and submitted to dismiss the same.

4. Heard learned Advocates for the parties. The Applicant had earlier preferred Criminal Misc. Application No. 23205 of 2024 which was allowed to be withdrawn by this Court vide order dated 17.3.2025 as this Court was not inclined to exercise discretion in favour of the Applicant. Thereafter the present successive application has been filed seeking regular bail.

5. The Applicant is not in a position to show any change in circumstances after the withdrawal of the earlier application.

6. So far as the aspect of delay in trial concerned, the trial is already underway and out of 30 witnesses, as pointed by learned Advocate appearing for the Applicant, 10 witnesses have already been examined.

7. Considering the aforesaid aspect, no case is made out. The Application is dismissed.

(M. R. MENGDEY,J)

J.N.W

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: JAYANTILAL NARAYAN WAGHELA(HC00178), Principal Pvt. Secretary, at High Court of Gujarat on 09/01/2026 18:42:34