

(2025) 11 GUJ CK 1914
In the Gujarat High Court

Case No : R/Criminal Misc.Application (For Temporary Bail) No. 15691 Of 2025

Pankaj @ Galiyo Tailly (Rathod)

APPELLANT

Vs

State Of Gujarat & Anr

RESPONDENT

Date of Decision : 26-11-2025

Acts Referred:

Indian Penal Code, 1860 — Section 302

Citation : (2025) 11 GUJ CK 1914

Hon'ble Judges : Nikhil S. Kariel, J

Bench : Single Bench

Advocate : Harshada N Patil, Jigar A Patel, Jay Mehta

Judgement

Nikhil S. Kariel, J

1. The present application is preferred by the under trial prisoner seeking to be released on temporary bail.

2. It is very unfortunate to note that the application had been presented before this Court on the 19th July, 2025 and registered on the 31st July, 2025, and whereas even after approximately 5 months, an application for temporary bail could not be taken up, more particularly on account of absence of the learned advocates for the applicant. The Order-sheet reflects that the application had been listed before learned Co-ordinate Bench on the 5th August, 2025, when the Co-ordinate Bench had recorded that no one had remained present when the matter was called out, and the matter was adjourned to 21st August 2025 .

2.1. On 21st August 2025, learned Co-ordinate Bench noted that learned advocate had filed a sick note. Hence, the matter was adjourned to 4th September, 2025.

2.2. On 4th September 2025, learned Co-ordinate Bench had noted the request of the learned advocate and had adjourned the matter to 19th September 2025.

2.2. On 19th September 2025, the matter had not been taken up, more

particularly, the order-sheet only reflecting the matter having been adjourned to 14th October 2025 and whereas on 14th October, 2025, learned Co-ordinate Bench had noted that the learned advocate had filed a sick note. The matter had thereafter, been listed before this Court on 17th November 2025, where also the matter had been adjourned on account of a sick note filed by the learned advocate Mr.Jigar Patel.

2.3. Thus, it would appear that an application for temporary bail has remained unattended for 10 adjournments, more particularly, since the learned advocate had either not remained present or had filed a sick note.

2.4. Today, also when the matter is called out, learned advocate has not remained present before this Court. It would appear that this is a very unfortunate sequence of events, more particularly, since learned advocate entrusted with an application by a litigant, has ensured that an application which should have been over on the first day it was listed before this Court has been adjourned on 10 occasions on account of the learned advocate either not remaining present or filing a sick note.

2.5. Be that as it may, considering the number of adjournments, this Court has deemed it appropriate to take up the matter with the assistance of learned APP.

3. Having heard the learned APP and having perused the jail APP that the applicant not being a permanent resident of the State of Gujarat, may abscond if released on temporary bail, is also required to be appropriately addressed. Hence, following directions :

i. Applicant is directed to be released on temporary bail for a period of 10 days, on executing personal bond of Rs.10,000/- (Rupees Ten Thousands) with two solvent sureties from the State of Gujarat before the Jail authority on usual terms and conditions and whereas the applicant shall mark his presence on the 2nd, 3rd, 6th and 9th day of his release before the concerned police station.

ii. Applicant shall not leave state of Gujarat during his temporary bail period.

5. Rule is made absolute to the aforesaid extent. Registry is directed to communicate this order to the concerned Jail Authority by fax / email message forthwith.