

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**  
**R/CRIMINAL MISC.APPLICATION NO. 8591 of 2021**

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MAYURDAN CHANDUBHAI LANGARIYA  
Versus  
THE STATE OF GUJARAT

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Appearance:

MR BM MANGUKIYA(437) for the Applicant(s) No. 1  
MS BELA A PRAJAPATI(1946) for the Applicant(s) No. 1  
MS CM SHAH, APP (2) for the Respondent(s) No. 1

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**CORAM: HONOURABLE MR. JUSTICE A.G. URAIZEE**

**Date : 29/10/2021**  
**ORAL ORDER**

1. The present application is filed under Section 439 of the Code of Criminal Procedure by the applicant for regular bail in connection with an FIR being C.R.No.I-11213001200330 registered with Virpur Police Station, District: Rajkot for the offences under Sections 306, 114 and 498(A) of the Indian Penal Code.

2. I have heard Mr. B.M. Mangukiya, learned advocate for the applicant and Ms. C.M. Shah, learned APP for the respondent-State.

3. Mr. Mangukiya, learned advocate submits that the investigation is over and charge-sheet is filed. He submits that the magistrate has committed the case to Sessions Court. Accordingly, the Sessions Case is pending in the Sessions Court. He submits that the trial against the applicant is likely to take long time though trial has commenced. Hence, the applicant is required to be released on bail. He submits that the deceased committed suicide as she was under depression due to Corona. He further submits that evidence of the father of the deceased

is recorded from which it emerges that he had not met the deceased since two years. He, further submits that the evidence of father of the deceased does not disclose that there was any abatement on the part of the applicant which would have driven deceased to commit suicide. He further submits that the similar circumstance the accused persons are released on bail by the Supreme Court as well as this Court. He has relied upon the decision of this Court reported in 2005 GLR 950, decision dated 22.09.2017 in the case of ***Lakhman Sardulbhai Vavadiya (Ahir) v. State of Gujarat***. He, therefore, urges that the applicant may be released on bail on appropriate terms and conditions.

4. Ms. C.M. Shah, learned APP has opposed this bail application. She submits that earlier bail application is dismissed by this Court on merits. She submits that even Supreme Court has dismissed the Special Leave Petition against the decision of this Court. She submits that trial has already commenced and it is an advance stage. According to her submission only two witnesses i.e. Doctor and Investigating Officer remain to be examined. She further submits that at the time of deciding the bail application this Court cannot examine and express opinion on the evidence so far recorded in the trial. She, therefore, submits that the applicant may not be enlarged on bail. She has relied upon the decision of the Supreme Court in the case of ***Trimukh Maroti Kirkan V. State of Maharashtra*** reported in (2006) 10 SCC 681.

5. I have considered the rival submissions.

6. It is not in dispute that earlier bail application preferred by the applicant is decided and rejected on merit. It is, therefore, necessary for the applicant to point out changed circumstance for maintainability of the present application.

7. Learned advocate for the applicant has failed to point out any changed circumstance for maintaining the present application except that there is a delay in trial. Even this ground is without any merit as trial has already commenced and as per the submission of learned APP under instruction that only two witnesses namely Doctor and Investigating Officer remain to be examined. I am, therefore, of the opinion that no case is made out by the applicant for maintainability of the present application.

8. Hence, the present application is dismissed. Rule is discharged.

**(A.G.URAIZEE, J)**

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