

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
CRIMINAL MISC.APPLICATION (FOR TEMPORARY BAIL) NO. 3 of 2026
In R/CRIMINAL APPEAL NO. 607 of 2023**

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ASHUMAL @ ASHARAM S/O THAUMAL SINDHI (HARPALANI)
Versus
STATE OF GUJARAT & ANR.

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Appearance:
MR ASHISH M DAGLI(2203) for the PETITIONER(s) No. 1
MR HARDIK DAVE, PP with MR MANAN MEHTA, APP for the
RESPONDENT(s) No. 1

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CORAM: HONOURABLE MS. JUSTICE GITA GOPI
and
HONOURABLE MR. JUSTICE L. S. PIRZADA

Date : 30/09/2026

IA ORDER

(PER : HONOURABLE MS. JUSTICE GITA GOPI)

1. The application has been made with a prayer to release the applicant on temporary bail for a period of 20 days on the ground that the wife of the applicant, who is presently in jail at Jodhpur, Rajasthan, is critically ill and has been admitted to Shalby Hospital, Naroda.

2. By an order dated 29.09.2026, we directed the local police to verify the cause stated in the application regarding the sickness of the wife of the applicant. The report has been produced today by the Assistant Police Commissioner, SIT/Mahila Cell, Crime Branch, Ahmedabad City, along with the communication from Shalby Multispeciality Hospital, Naroda. The report, status of complete Blood Count, Transthoracic Echo

report, X-Ray, Chest AP View (Portable), Immunology Report, Renal Function Test and Biochemistry Test Report have been produced. The applicant has stated that his wife is under the treatment of Dr. Vivek Baxi and Dr. Roopesh Singhal. Thus, the Assistant Police Commissioner, SIT/Mahila Cell, Crime Branch, has recorded the statements of Dr. Vivek Baxi as well as Dr. Roopesh Singhal. The relevant paragraph reads thus:

“Patient Laxmidevi Harpalani presented to emergency department and was admitted on 28 September 2026 at 12 AM with complaint of breathing difficulty. She is a known case of left ventricular dysfunction. She has been diagnosed with decompensated heart failure with accelerated hypertension. Since admission, she has responded well to treatment and is currently haemodynamically stable. Provided clinical conditions allow, she will be discharged to home in the next two or three days.”

3. Learned advocate Mr. Dagli for the applicant submitted that presently the applicant is aged about 86 years and his wife, who is in the hospital, is aged about 83 years. The applicant, being the husband, has concern regarding the health of his wife and, therefore, urged to release the applicant on humanitarian grounds.

4. Contradicting the arguments, learned PP Mr. Dave, referring to the statements of Dr. Vivek Baxi and Dr. Roopesh Singhal, submitted that the wife of the applicant, since her admission, has responded to the treatment and is presently haemodynamically stable and, therefore, as per the doctors, she would be discharged within two to three days. Thus, learned PP Mr. Dave submitted that the condition is not critical and the only complaint of the patient was regarding breathing difficulty and, therefore, submitted that there is no such urgency.

5. The report of the Assistant Police Commissioner, SIT/Mahila Cell, Crime Branch, also reports that during the inquiry, it was found that the patient was under the care of her relatives and disciples and one personal doctor was also present there. The applicant would have information regarding the treatment of his wife. The wife of the applicant is admitted in Shalby Multispeciality Hospital, Naroda, having the assistance of both the doctors and even the personal doctor being present. When the patient has responded well to the treatment and both the doctors have opined that she would be discharged within the next two to three days, we do not find any reason to allow the application of the petitioner, who is presently in Jodhpur Jail, Rajasthan.

6. However, if the petitioner would want to communicate with his wife, he can make a prayer before the Jail Superintendent, Rajasthan Jail, for permitting him to talk with his wife through video conferencing.

7. In view of the aforesaid, the present application stands disposed of accordingly.

(GITA GOPI,J)

STANCY GOMES

(L. S. PIRZADA, J)