

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

**R/CRIMINAL MISC.APPLICATION NO. 10613 of 2024
(FOR REGULAR BAIL - AFTER CHARGESHEET)**

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CHETENDRASINH @ CHETAN NARPATSINH PAVAR
Versus
STATE OF GUJARAT
=====

Appearance:

MR PP MAJMUDAR(5284) for the Applicant(s) No. 1
MS MONALI BHATT APP for the Respondent(s) No. 1
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CORAM:HONOURABLE MR. JUSTICE DIVYESH A. JOSHI

Date : 14/06/2024

ORAL ORDER

1. Rule. Learned APP waives service of notice of rule for respondent – State of Gujarat.
2. The present application is filed under Section 439 of the Code of Criminal Procedure, 1973, for regular bail in connection with the FIR being C.R. No.11196012230053/2023 registered with the Fateganj Police Station, Vadodara City for the offence punishable under Sections 406, 419, 420, 465, 467, 468, 471, 474, 201, 114 and 120(B) of the Indian Penal Code.
3. Learned advocate for the applicant submitted that the so-called incident has taken place for the period between 29.12.2019 to 01.02.2023, for which, the FIR has been lodged on 01.02.2023 and the applicant has been arrested in connection with the same on 17.04.2024 and since then, he is in judicial custody. Learned advocate submitted that



now the investigation is completed and after submission of the chargesheet, the present application is preferred. Learned advocate submitted that FIR is filed against total 3 accused persons, wherein the applicant is not named in the FIR but subsequently during the course of investigation, the name of the applicant has come on surface and, hence on the basis of the statement made by the co-accused, the applicant is arraigned as accused. Learned advocate submitted that it is the specific case of the prosecution that the present applicant with the help of other co-accused has tried to create false and fabricated Power of Attorney and on the strength of those forged documents, they have made efforts to mutate the name of third party in the record of rights but they could not succeed in their attempt but except above role, no other role is attributed to the present applicant. Learned advocate submitted that the applicant has not derived any benefit from the said transaction and only efforts were being made by the present applicant. Learned advocate submitted that remand of the applicant is over and nothing incriminating material is found out during his remand nor any information is received. Learned advocate submitted that identically situated co-accused has been considered by this Court. Learned advocate submitted that entire case of the prosecution hinges upon documentary evidence, which have been

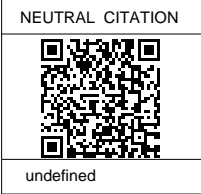


collected by the IO and all the offences are exclusively triable by the Court of Magistrate. It is, therefore, urged that considering the nature of the offence and on the ground of parity, the applicant may be enlarged on regular bail by imposing suitable conditions.

4. Learned APP for the respondent-State has opposed grant of regular bail looking to the nature and gravity of the offence. It is submitted that the role of the present applicant is clearly spelt out from the papers of the chargesheet. Learned APP submitted that the present applicant has created false and fabricated Power of Attorney as well as Property Card, which have been tried to use by them to mutate the name of third party in the record of rights and at the time of purchasing the stamp from the office of the Stamp Vendor, the name of the complainant is mentioned, which clearly goes on to show that there was mens rea on the part of the present applicant right from the inception of commission of crime. Learned APP submitted that there are two antecedents of the applicant and allegations leveled therein are identically similar in nature. It is, therefore, urged that considering the role attributed to the present applicant, the present application may not be entertained.
5. Learned advocates appearing on behalf of the respective parties do not press for further reasoned order.

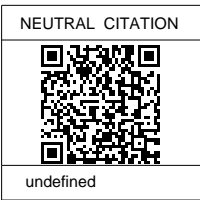


6. I have heard the learned advocates appearing on behalf of the respective parties and perused the papers of the investigation and considered the allegations levelled against the applicant and the role played by the applicant. It is found out from the record that the present application is preferred after submission of the chargesheet and now the investigation is completed and the applicant is in jail since 17.04.2024. All the offences are exclusively triable by the Court of Magistrate. Entire case of the prosecution hinges upon documentary evidence, which have already been collected by the IO. I have considered the role attributed to the present applicant at the time of commission of crime and the role attributed to the co-accused, who have been considered by this Court. Therefore considering the above factual aspects and on the ground of parity, the present application deserves to be allowed.
7. This Court has also taken into consideration the law laid down by the Hon'ble Apex Court in the case of **Sanjay Chandra v. Central Bureau of Investigation**, reported in [2012] 1 SCC 40 as well as in case of **Satender Kumar Antil v. Central Bureau of Investigation & Anr.** reported in (2022) 10 SCC 51.
8. In the facts and circumstances of the case and considering the nature of the allegations made against the applicant in the FIR, without discussing the evidence in detail, *prima facie*,



this Court is of the opinion that this is a fit case to exercise the discretion and enlarge the applicant on regular bail.

9. Hence, the present application is allowed. The applicant is ordered to be released on regular bail in connection with the FIR being C.R. No.11196012230053/2023 registered with the Fateganj Police Station, Vadodara City on executing a personal bond of Rs.15,000/- (Rupees Fifteen Thousand only) with one surety of the like amount to the satisfaction of the trial Court and subject to the conditions that he shall;
- [a] not take undue advantage of liberty or misuse liberty;
 - [b] not act in a manner injurious to the interest of the prosecution;
 - [c] surrender passport, if any, to the concerned court within a week;
 - [d] not leave the State of Gujarat without prior permission of the concerned court;
 - [e] mark presence before the concerned Police Station on alternate Monday of every English calendar month for a period of six months between 11:00 a.m. and 2:00 p.m.;
 - [f] furnish the present address of residence to the Investigating Officer and also to the Court at the time of execution of the bond and shall not change the residence without prior permission of this Court;



10. The authorities will release the applicant only if he is not required in connection with any other offence for the time being. If breach of any of the above conditions is committed, the concerned Sessions Judge concerned will be free to issue warrant or take appropriate action in the matter. Bail bond to be executed before the lower Court having jurisdiction to try the case. It will be open for the concerned Court to delete, modify and/or relax any of the above conditions, in accordance with law.
11. At the trial, the trial Court shall not be influenced by the observations of preliminary nature qua the evidence at this stage made by this Court while enlarging the applicant on bail.
12. Rule is made absolute to the aforesaid extent. Direct service is permitted.

(DIVYESH A. JOSHI, J.)

Gautam