

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD****R/CRIMINAL APPEAL (FOR ANTICIPATORY BAIL) NO. 519 of 2024**

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HARSUKHBHAI KESHAVBHAI BALDHA
Versus
STATE OF GUJARAT & ANR.

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Appearance:

KRUSHALKUMAR D SHELDIYA(8017) for the Appellant(s) No. 1
NOTICE UNSERVED for the Opponent(s)/Respondent(s) No. 2
MR SOHAM JOSHI APP for the Opponent(s)/Respondent(s) No. 1

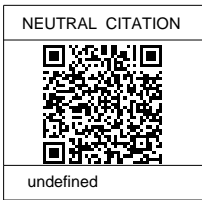
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CORAM:HONOURABLE MR. JUSTICE J. C. DOSHI

Date : 23/04/2024

ORAL ORDER

1. Admit. Learned A.P.P. waives service of notice of admission for the respondent – State. Though served, respondent no.2 choose not to contest this appeal.
2. By way of the present appeal under Section 14-A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short, the ‘Act, 1989’)., the appellant – original accused seeks anticipatory bail in connection with the F.I.R. being CR No.11210004240090 of 2024 registered with Amroli Police Station.
3. Heard learned Advocate for the appellant and learned APP for the State.
4. Learned advocate for the petitioner submits that considering the nature of allegations, role attributed to the

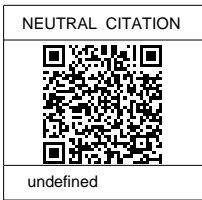


petitioner, the petitioner may be enlarged on anticipatory bail by imposing suitable conditions.

5. Learned Additional Public Prosecutor appearing on behalf of the respondent-State has opposed grant of anticipatory bail looking to the nature and gravity of the offence.

6. Having heard learned Advocates appearing for the respective parties and considering the well famous parameters for grant or refusal of bail i.e. balancing personal liberty and investigational power of police; freedom of individual vis-a-vis security of State; and balance between individual liberty and interest of society etc., alongwith nature of accusation, nature of evidence in support of the accusation; severity of the punishment which conviction will entail; I am inclined to exercise the discretion in favour of the appellant-accused inter alia on the ground alleged offence under Section 354 of the IPC is bailable. On reading the FIR, prima facie the allegations attracting Section 354 of the IPC and the allegations of humiliating the caste of complainant in public place is missing from the FIR. Thus no case for custodial interrogation is made out. Thus, the present appeal deserves consideration.

7. This Court while exercising discretion in favour of the petitioner has taken into consideration law laid down by the Apex Court in the case of **Siddharam Satlingappa Mhetre v/s. State of Maharashtra and Ors. [2011] 1 SCC 694**, wherein the Hon'ble Apex Court reiterated the law laid down by the Constitutional Bench in the the case of **Shri Gurubaksh Singh Sibbia & Ors. v/s. State of Punjab (1980) 2 SCC 665**. This Court

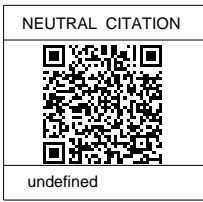


has also taken into consideration law laid down in the case of **Sushila Agarwal v/s. State (NCT of Delhi [(2020) 5 SCC 1]**.

8. In the result, the present petition is allowed by directing that in the event of applicant herein being arrested pursuant to FIR registered as CR No.11210004240090 of 2024 registered with Amroli Police Station the petitioner shall be released on bail on furnishing a personal bond of Rs. 10,000/- (Rupees Ten Thousand only) with one surety of like amount on the following conditions that the petitioner :

- (a) shall cooperate with the investigation and make himself available for interrogation whenever required;
- (b) shall remain present at concerned Police Station on **29&30/04/2024** between 10.00 a.m. and 4.00 p.m.;
- (c) shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the fact of the case so as to dissuade him from disclosing such facts to the court or to any police officer;
- (d) shall not obstruct or hamper the police investigation and not to play mischief with the evidence collected or yet to be collected by the police;
- (e) shall at the time of execution of bond, furnish the address to the investigating officer and the court concerned and shall not change residence till the final disposal of the case till further orders;
- (f) shall not leave India without the permission of the concerned trial court and if having passport shall deposit the same before the concerned trial court within a week; and

9. If breach of any of the above conditions is committed by



the petitioner, the concerned learned Judge will be free to take appropriate action in the matter. It will be open for the concerned Court to delete, modify and/or relax any of the above conditions in accordance with law. At the trial, the Trial Court shall not be influenced by the prima facie observations made by this Court while enlarging the petitioner on bail.

The appeal succeeds. Direct service is permitted.

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(J. C. DOSHI,J)