

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

**R/CRIMINAL MISC.APPLICATION (FOR ANTICIPATORY BAIL) NO. 6776
of 2024**

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ABHISHEK PARAS KEDIA
Versus
STATE OF GUJARAT

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Appearance:

MR. SURAJ A SHUKLA(7185) for the Applicant(s) No. 1

MR ARJUNSINGH B CHAUHAN(11510) for the Respondent(s) No. 1

MR JAY MAHETA APP for the Respondent(s) No. 1

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CORAM:HONOURABLE MR. JUSTICE PRANAV TRIVEDI

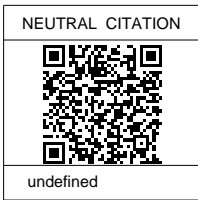
Date : 21/05/2024

ORAL ORDER

1. Rule. Learned Additional Public Prosecutor waives service of notice of rule on behalf of the respondent-State and learned advocate Mr.Arjunsingh Chauhan waives service of notice of Rule on behalf of respondent – original complainant.

2. By way of the present application under Section 438 of the Code of Criminal Procedure, 1973, the applicant has prayed for his release on anticipatory bail in case of his arrest in connection with the FIR being I-C.R. No.11210046240200 of 2024 registered before Puna Police Station, Surat.

3. Learned advocate for the applicant submits that considering the nature of allegations, role attributed to



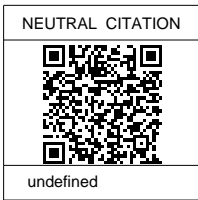
the applicant, the applicant may be enlarged on anticipatory bail by imposing suitable conditions.

4. 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.

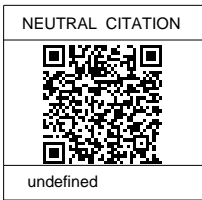
5. Mr.Chauhan, learned advocate for the original complainant has also opposed the grant of bail in favour of the present applicant.

6. Heard the learned Advocates for the respective parties and perused the papers.

7. Having heard the learned counsel for the parties and perusing the record of the case and taking into consideration the facts of the case, nature of allegations, the provisions of Section 376 of IPC under which the FIR is filed against the present applicant and having perused the averments made, it can be observed that the relationship between the applicant and the complainant is consensual. However, the



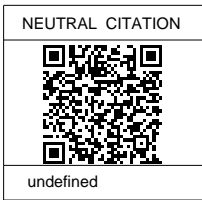
present applicant at initial point of time on 02.09.2023, had filed a complaint being FIR No.11210046240200 of 2024 under the provisions of section 325, 323, 504 and 506 of IPC and under the provisions of sections 40, 42(a) and 42(d) of the Money Lenders Act, against the present complainant. It is thereafter, present complainant almost after a period of five months, has preferred a complaint. Therefore, *prima facie*, it seems to be a repercussion of the complaint filed by the present applicant. It is also to be noted that neither the learned Additional Public Prosecutor nor the Advocate for the complainant could bring on record, which suggests that the present applicant had, with coercion or force, committed the offence under section 376 of IPC with the present complainant. Without discussing the evidence in detail, at this stage, I am inclined to grant anticipatory bail to the applicant. This Court has also taken into consideration the law laid down by the Hon'ble Apex Court in the case of **Siddharam Satlingappa Mhetre vs. State of Maharashtra and Ors.** as reported at [2011] 1 SCC 6941, 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.**, as reported at **(1980) 2 SCC 665**.

8. In the result, the present application is allowed by directing that in the event of applicant herein being arrested pursuant to aforesaid FIR, the applicant 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 applicant shall :

- (a) cooperate with the investigation and make available for interrogation whenever required;
- (b) remain present at concerned Police Station on 28.05.2024 between 11.00 a.m. and 2.00 p.m.;
- (c) not directly or indirectly make any inducement, threat or promise to any person acquainted with the fact of the case so as to dissuade from disclosing such facts to the court or to any police officer;



- (d) 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) 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) not leave India without the permission of the Court and if having passport shall deposit the same before the Trial Court within a week; and
9. At the trial, the Trial Court shall not be influenced by the prima facie observations made by this Court while enlarging the applicant on bail.
10. Rule is made absolute. Application is disposed of accordingly. Direct service is permitted.