

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**

**R/CRIMINAL APPEAL (FOR ANTICIPATORY BAIL) NO. 882 of 2024**

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AMITBHAI MOHANLAL SHAH

*Versus*

STATE OF GUJARAT & ANR.

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**Appearance:**

MR.MRUDUL M BAROT(3750) for the Appellant(s) No. 1

HCLS COMMITTEE(4998) for the Opponent(s)/Respondent(s) No. 2

MS.FALGUNI D.TRIVEDI(3912) for the Opponent(s)/Respondent(s) No. 2

MR. JAY MEHTA, APP for the Opponent(s)/Respondent(s) No. 1

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**CORAM:HONOURABLE MR. JUSTICE PRANAV TRIVEDI**

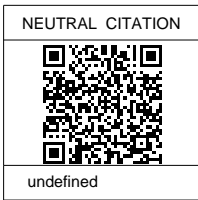
**Date : 22/05/2024**

**ORAL ORDER**

[1] **RULE.** Learned Additional Public Prosecutor waives service of notice of rule on behalf of the respondent-State.

[2] By way of the present appeal under Section 438 of the Code of Criminal Procedure, 1973, the appellant has prayed to release him on anticipatory bail in case of his arrest in connection with the FIR registered as C.R No.11191023240082 of 2024 before Vadaj Police Station, District: Ahmedabad.

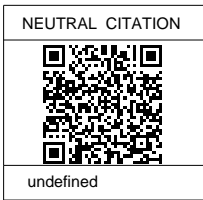
[3] Learned advocate for the appellant submits that considering the nature of allegations, role attributed to the appellant, the appellant may be enlarged on anticipatory bail by imposing suitable conditions.



[4] Mr. Jay Mehta, learned Additional Public Prosecutor appearing on behalf of the respondent-State as well as Ms. Falguni D. Trivedi, learned advocate appearing on behalf of respondent No.2 complainant have opposed grant of anticipatory bail looking to the nature and gravity of the offence.

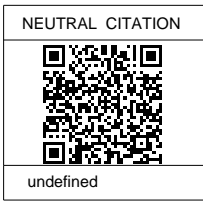
[5] Heard the learned Advocates for the respective parties and perused the papers.

[6] Having heard the learned counsel for the parties and perused the record of the case and taking into consideration the facts of the case, nature of allegations, role attributed to the accused more particularly as per the report submitted by learned Additional Public Prosecutor Mr. Jay Mehta, the appellant was not present at the place of incident. It is alleged that all the allegations made by the present appellant were over telephone, and therefore, the offence under the Atrocity Act, 1989 is not made out, without discussing the evidence in detail, at this stage, I am inclined to grant anticipatory bail to the appellant. 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.



[7] In the result, the present appeal is allowed by directing that in the event of appellant herein being arrested pursuant to FIR registered as FIR registered as C.R No.11191023240082 of 2024 before Vadaj Police Station, District: Ahmedabad, the appellant 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 appellant shall :

- (a) cooperate with the investigation and make available for interrogation whenever required;
- (b) remain present at concerned Police Station on **29.05.2024** 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



[8] At the trial, the Trial Court shall not be influenced by the prima facie observations made by this Court while enlarging the appellant on bail.

[9] Rule is made absolute. Appeal is disposed of accordingly. Direct service is permitted.

**(PRANAV TRIVEDI, J.)**

DHARMENDRA KUMAR