

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD****R/CRIMINAL APPEAL (FOR ANTICIPATORY BAIL) NO. 888 of 2024**

=====

MANGUBHAI RAMANBHAI VAGHELA (MANGALSINH RANJITSINH
VAGHELA)

Versus

STATE OF GUJARAT & ANR.
=====

Appearance:

MR KEVAL R DHOLAKIYA(12277) for the Appellant(s) No. 1

MR P P MAJMUDAR(5284) for the Appellant(s) No. 1

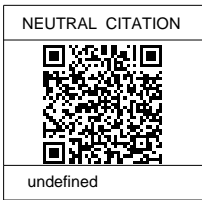
NOTICE SERVED THRU CONCERNED POLICE STATION for the
Opponent(s)/Respondent(s) No. 2MR. JAY MEHTA, APP for the Opponent(s)/Respondent(s) No. 1
=====**CORAM:HONOURABLE MR. JUSTICE PRANAV TRIVEDI****Date : 24/05/2024****ORAL ORDER**

The report of Police Inspector, Bavla Police Station, Ahmedabad (Rural) dated 23.5.2024 is taken on record.

[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 14(A) of the Prevention of Atrocities Amendment Act, 2015, the appellant original accused has prayed to release him on anticipatory bail in case of his arrest in connection with the FIR registered as C.R No.I- 11192008240109 of 2024 before Bavla Police Station, District: Ahmedabad (Rural).

[3] Learned advocate for the appellant Mr.P.P.Majmudar



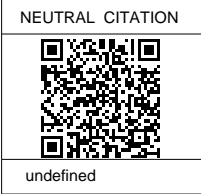
submits that the role attributed to the present appellant is that of being presence with the other co-accused. However, no role with regards to inflicting any blow and with regards to speaking any abusive words and affecting the provisions of the Atrocities Act is attributable to the present appellant. He has further submitted 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 APP has produced on record the Report of Police Inspector, Bavla Police Station, Ahmedabad (Rural) dated 23.5.2024 which states that the present complainant is duly served. He has opposed grant of anticipatory bail looking to the nature and gravity of the offence.

[5] Complainant is though duly served as per police report, has chosen not to appear.

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

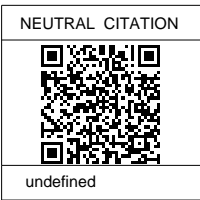
[7] Having heard the learned counsel for the parties and perusing the record of the case and taking into consideration the facts of the case, nature of allegations and the report of the Police Inspector, Bavla Police Station which states that present complainant is duly served however, he has chosen not to



appear and also the role attributed to the accused, 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**.

[8] In the result, the present appeal is allowed by directing that in the event of appellant herein being arrested pursuant to FIR registered as C.R No.I- 11192008240109 of 2024 before Bavla Police Station, District: Ahmedabad (Rural), 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 **3rd June, 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 appellant on bail.

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

BEENA SHAH/75

(PRANAV TRIVEDI,J)