

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD****R/CRIMINAL MISC.APPLICATION (FOR REGULAR BAIL - AFTER
CHARGESHEET) NO. 9046 of 2024**

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CHETAN @ CHETAN FADU RAMESH RAMJARAM BHAGWAT
Versus
STATE OF GUJARAT

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Appearance:

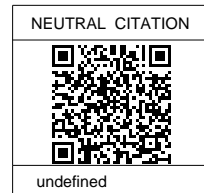
MR NAUMAN S QURESHI(10669) for the Applicant(s) No. 1
MR HARDIK S SONI, APP for the Respondent(s) No. 1

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CORAM:HONOURABLE MR. JUSTICE DIVYESH A. JOSHI

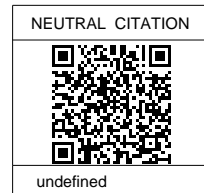
Date : 09/05/2024
ORAL ORDER

1. Rule returnable forthwith. Learned APP waives service of notice of rule for and on behalf of respondent - State.
2. The present application is filed under Section 439 of the Code of Criminal Procedure, 1973, for regular bail in connection with FIR being **C.R. No.11210064221903 of 2023 registered with the Godadara Police Station, Surat** for the offence punishable under Sections-302, 325, 143, 144, 147, 148, 149 and 201 of the Indian Penal Code and Section-135(1) of the Gujarat Police Act.
3. Learned advocate appearing on behalf of the applicant submits that the the so-called incident has taken place on 01.10.2022, for which, the FIR has been lodged on 01.10.2022 and the applicant has been arrested in connection with the same on 16.10.2022 and since then, he is in judicial custody. Learned advocate submitted that the investigation is



completed and after submission of the chargesheet, the present application is preferred. Learned advocate further submits that the FIR is filed against total eight accused persons and the name of the present applicant- accused is shown at Sr. No.2. Learned advocate further submits that so far as the role attributed to the present applicant-accused is concerned, he has inflicted knife blow upon the lower limb of the body of the deceased. The other person, who has inflicted stick blow on the head of the deceased at the time of commission of crime had already been considered. Learned advocate further submits that at the time of opposing the bail application of the applicant, the prosecuting agency has filed a detailed affidavit, wherein, it is stated that there are more than 34 offences registered against the present applicant - accused in past. Learned advocate further submits that if the Hon'ble Court would goes to the cause-list of those cases, in that even, it would be found that almost all cases are chapter cases and four offence under IPC were registered, out of which in two offences, the applicant-accused is already acquitted. Copies of those orders are enclosed. Considering the above stated factual aspects as well as the role attributed to the applicant-accused by imposing strictest conditions, the applicant-accused may be enlarged on bail.

4. Learned APP for the respondent-State has opposed grant of regular bail looking to the nature and gravity of the offence. Learned APP submits that the present applicant-accused is a history-sheeter and number of offences were registered against the applicant-accused and there are all possible chances that if the applicant-accused would be enlarged on



bail, in that event, he would administer threat to the witnesses. Learned APP further submits that there are more than 34 offences registered against the present applicant-accused. It is submitted that the role of the present applicants is clearly spelt out from the papers of the chargesheet and, hence, the present application may not be entertained.

5. Learned advocates appearing on behalf of the respective parties do not press for further reasoned order.

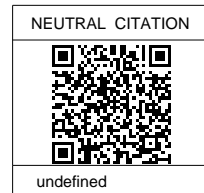
6. I have heard the learned advocates appearing on behalf of the respective parties and perused the papers of the investigation and considered the allegations levelled against the applicant and the role played by the applicant. This Court has also considered the following aspects;

(i) That the investigation has already been completed and charge-sheet has also been filed;

(ii) That the applicant- accused is in judicial custody since 16.10.2022;

(iii) That the present applicant-accused has inflicted knife blow upon the lower limb of the body of the deceased;

(iv) That there are more than 34 offences registered against the present applicant - accused in past and almost all cases are chapter cases and four offences under IPC were registered, out of which in two offences, the applicant-accused is already acquitted.

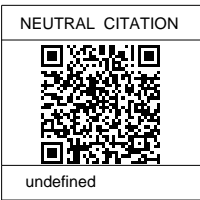


7. This Court has also taken into consideration the law laid down by the Hon'ble Apex Court in the case of **Sanjay Chandra v. Central Bureau of Investigation**, reported in [2012]1 SCC 40 as well as in case of **Satender Kumar Antil v. Central Bureau of Investigation & Anr.** reported in **(2022)10 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 and the applicant is ordered to be released on regular bail in connection with the **C.R. No.11210064221903 of 2023 registered with the Godadara Police Station, Surat**, 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 lower court within a week;



- [d] not leave the State of Gujarat without prior permission of the Sessions Judge concerned;
- [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;
- [g] **shall not enter into the revenue limits of District: Surat till the completion of the trial except for marking presence at the concerned police station.**

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 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.

Rule is made absolute to the aforesaid extent. Direct service is permitted.

A. B. VAGHELA

(DIVYESH A. JOSHI,J)