

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD****R/CRIMINAL MISC.APPLICATION (FOR SUCCESSIVE REGULAR BAIL  
- AFTER CHARGESHEET) NO. 9165 of 2024**

AJAY DEVENDRASINH PARIHAR

Versus

STATE OF GUJARAT

## Appearance:

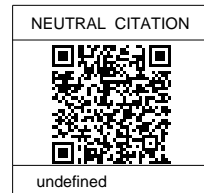
MR. SURAJ A SHUKLA(7185) for the Applicant(s) No. 1

MS MONALI BHATT, APP for the Respondent(s) No. 1

MR DARSHIT RAVAL for the original complainant and victim

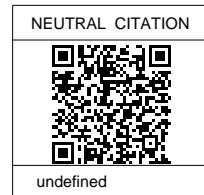
**CORAM:HONOURABLE MR. JUSTICE DIVYESH A. JOSHI****Date : 19/06/2024****ORAL ORDER**

1. Learned advocate Mr. Darshit Raval submits that he has got instructions to appear on behalf of original complainant and victim. He is permitted to file his Vakalatnama in the Registry. Registry to accept the same.
2. Rule. Learned APP waives service of notice of Rule for and on behalf of respondent – State.
3. The present successive application is filed under Section 439 of the Code of Criminal Procedure, 1973, for regular bail in connection with **C.R.No.11210025232455 of 2023 registered with Limbayat Police Station, Surat**, for the offence punishable under Sections 307, 294B, 506(2) and 114 of the Indian Penal Code and Section 135(1) of the Gujarat Police Act.
4. Learned advocate appearing on behalf of the applicant submits that considering the nature of the offence, the applicant may be enlarged on



regular bail by imposing suitable conditions. It is submitted that applicant has been arrested on 21.06.2023 and since then he is in judicial custody. It is further submitted that investigation is already concluded and present application is filed after submission of charge-sheet. He further submits that initially the application preferred by the applicant was withdrawn with a liberty to file afresh if the deposition of the injured victim is not recorded within a period of three months. He further submits that now the depositions of the injured victim and complainant have been recorded and they have not supported the case of the prosecution. He further submits that the matter is settled between the parties and therefore complainant as well as victim have filed affidavits wherein they have specifically stated that if the applicant is enlarged on bail, they have no objection. He has tendered the affidavits of the complainant as well as victim across the bar, which are ordered to be taken on record. Thus, considering the aforesaid factual aspects, applicant may be enlarged on bail.

5. Learned advocate Mr. Darshit Raval has filed appearance on behalf of original complainant as well as injured victim and submitted that the complainant as well as injured victim have filed affidavits specifically stating that the matter is settled between the parties outside the Court



and therefore they have no objection if the applicant is enlarged on bail.

6. Learned APP appearing on behalf of the respondent-State has opposed grant of regular bail looking to the nature and gravity of the offence.
7. Learned advocates appearing on behalf of the respective parties do not press for further reasoned order.
8. 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. It is found out from the record that this is the successive bail application. Applicant is in jail since 21.06.2023. Investigation is concluded and charge-sheet is filed. The matter is settled between the parties and therefore complainant as well as injured victim have filed affidavits before this Court wherein they have specifically stated that if the applicant is enlarged on bail, they have no objection. Moreover, depositions of the complainant as well as victim came to be recorded wherein they have not supported the case of the prosecution. Thus, considering the aforesaid factual aspects, present application deserves consideration.
9. 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.

10. 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.

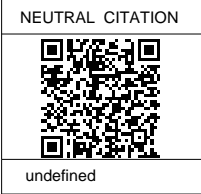
11. Hence, the present application is allowed and the applicant is ordered to be released on regular bail in connection with **C.R.No.11210025232455 of 2023 registered with Limbayat Police Station, Surat**, on executing a personal bond of Rs.15,000/- (Rupees Fifteen Thousand only) with one surety of 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 injuries 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;
12. 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.
13. 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.
14. The present application stands allowed accordingly. Rule is made absolute. Direct service is permitted.

**(DIVYESH A. JOSHI, J)**

LAVKUMAR J JANI