

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

**R/CRIMINAL MISC.APPLICATION (FOR REGULAR BAIL - BEFORE
CHARGESHEET) NO. 9272 of 2024**

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RAJESHBHAI S/O DHARAMSHIBHAI MAVAJIBHAI GOHEL & ORS.
Versus
STATE OF GUJARAT

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Appearance:

MR. NISARG D SHAH(7299) for the Applicant(s) No. 1,2,3
SUNIL H PRAJAPATI(8350) for the Applicant(s) No. 1,2,3
MR. UTKARSH SHARMA, APP for the Respondent(s) No. 1

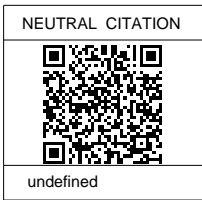
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CORAM: HONOURABLE MR. JUSTICE PRANAV TRIVEDI
Date : 23/05/2024
ORAL ORDER

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

[2] The present application is filed under Section 439 of the Code of Criminal Procedure by the applicants for regular bail in connection with an FIR being C.R.No.I-11192008240189 of 2024 registered with Bavla Police Station, District: Ahmedabad (Rural) for the offences under Sections 65(a), 65(e), 116-B, 81, 98(2) of the Prohibition Act.

[3] Learned advocate for the applicants Mr. Nisarg D.Shah submits that considering the nature of allegations, role attributed to the applicants, the applicants may be enlarged on regular bail by imposing suitable conditions.



[4] Learned Additional Public Prosecutor appearing on behalf of the respondent-State has opposed grant of regular bail looking to the nature and gravity of the offence.

[5] I have heard learned advocates appearing on behalf of the respective parties. Learned advocates appearing on behalf of the respective parties do not invite reasoned order. I have perused material on record. It also comes on record that they are no antecedents.

[6] This court has considered the following aspects:

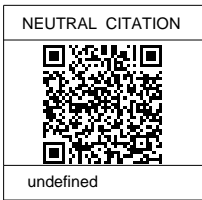
(a) As per catena of decisions of Hon'ble Supreme Court, there are mainly 3 factors which are required to be considered by this court i.e. prima facie case, availability of applicants at the time of trial and tampering and hampering with the witnesses by the accused.

(b) That the investigation is in progress.

(c) That the learned advocate for the applicants has submitted that the applicants are not likely to flee away.

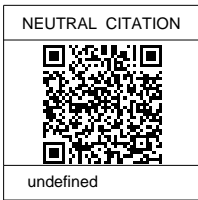
(d) That the applicants are in custody since 17.4.2024.

(e) The law laid down by the Hon'ble Apex Court in the case of **Sanjay Chandra v. C.B.I. Reported in (2012) 1**

**SCC 40.**

[7] In the facts and circumstances of the case and considering the nature of allegations made against the applicants in the FIR, I am of the opinion that discretion is required to be exercised in favour of the applicants and enlarge the applicants on regular bail. Hence, the present application is allowed and the applicants are ordered to be released on regular bail in connection with an offence being C.R.No.I-11192008240189 of 2024 registered with Bavla Police Station, District: Ahmedabad (Rural) on executing a personal bond of Rs.10,000/- (Rupees Ten Thousand Only) each with one surety of the like amount to the satisfaction of the learned Trial Court and subject to the conditions that the applicants 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 every Monday of each English calendar month for a period of three months and thereafter, alternate Monday for a period of six months, between 11:00



a.m. and 2:00 p.m.;

- [f] furnish latest and permanent addresses 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 Ahmedabad city till the charge-sheet is filed.

[8] The Authorities will release the applicants only if they are 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 learned 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. At the trial, learned 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 applicants on bail.

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