

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

**R/CRIMINAL MISC.APPLICATION (FOR REGULAR BAIL -  
AFTER CHARGESHEET) NO. 9320 of 2024**

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VIPULBHAI RAGHUBHAI RABARI

Versus  
STATE OF GUJARAT

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Appearance:

URVESH M PRAJAPATI(8878) for the Applicant(s) No. 1

VIVEK M BRAHMBHATT(10076) for the Applicant(s) No. 1

Mr. Utkarsh Sharma, Addl.PUBLIC PROSECUTOR for the  
Respondent(s) No. 1

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**CORAM:HONOURABLE MS. JUSTICE NISHA M. THAKORE**

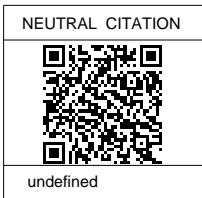
**Date : 16/05/2024**

**ORAL ORDER**

1. Rule. Learned APP waives service of notice of rule for respondent - State of Gujarat.

2. The present application is filed under Section 439 of the Code of Criminal Procedure, 1973, for regular bail in connection with the FIR being **C.R. I- No.104 of 2019** registered with the "B" Division Police Station, Mehsana for the offence punishable under Sections 364(A), 323 and 114 of the Indian Penal Code.

3. Learned advocate for the applicant submitted that the so-called incident has taken place on 07.07.2019, for which, the FIR has been lodged on 07.07.2019 and the applicant has been arrested in connection with the same on 11.07.2019 and since then, he is in judicial custody. Learned advocate submitted that considering the role alleged, the applicant was released prior to filing of charge sheet. The investigation was



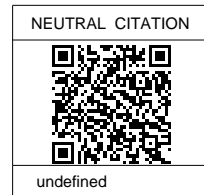
completed which has culminated into criminal Sessions Case no.211 of 2021. The applicant had abide by the bail conditions, however, inadvertently the applicant could not remain present before trial Court for past few dates and the learned Sessions Judge has issued non-bailable warrant. The applicant was taken into judicial custody. Learned advocate had referred to the averments made in the application and has assured this Court to abide by bail conditions. It is, therefore, urged that considering the nature of the offence, the applicant may be enlarged on regular bail by imposing suitable conditions.

4. Learned APP for the respondent-State has opposed grant of regular bail looking to the nature and gravity of the offence. It is submitted that the role of the present applicant is clearly spelt out from the papers of the chargesheet and, the applicant having failed to appear before the learned Sessions Judge, has urged that 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. I have considered the following aspects.

(1). The applicant was earlier released by the learned



Sessions Judge by order dated 20.07.2019 pending the investigation, taking into consideration the prima facie case of the applicant;

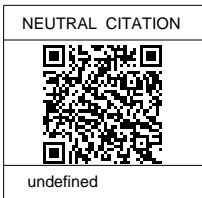
(2) The applicant has scrupulously followed the bail conditions imposed by the learned Sessions Judge, however, it was only that when the applicant could not appear in the hearing in the criminal case, the non-bailable warrant was issued and the applicant was sent to judicial custody.

(3) Considering the assurance of the applicant to remain present on each and every date of hearing before the Sessions Court, the present application deserves consideration.

Therefore considering the above factual aspects, the present application deserves to be allowed.

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**.

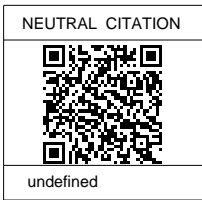
8. In the facts and circumstances of the case and considering the nature of the allegations made against the applicant in the FIR, without discussing the evidence in detail, *prima facie*, this Court is of the opinion that this is a fit case to exercise the discretion and enlarge the applicant on regular bail.



9. Hence, the present application is allowed. The applicant is ordered to be released on regular bail in connection with the FIR being **C.R. I- No.104 of 2019** registered with the “B” Division Police Station, Mehsana 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] Passport surrendered, if any, to the concerned court shall remain in custody of Nazir of concerned Court till conclusion of trial;
- [d] not leave the State of Gujarat without prior permission of the concerned court;
- [e] as assured before this Court, the applicant shall attend the Court proceedings on date fixed unless the Court exempts from his appearance;
- (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.

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 concerned 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.

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

RATHOD KAUSHIKSINH

**(NISHA M. THAKORE, J.)**