

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD****R/CRIMINAL MISC.APPLICATION (FOR TRANSIT BAIL) NO. 9365 of 2024**

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UKARANI GIRISH DEVIDAS
Versus
STATE OF GUJARAT & ANR.

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Appearance:

MR. BAKUL S PANCHAL(3676) for the Applicant(s) No. 1
for the Respondent(s) No. 2
MR. H.K. PATEL, APP for the Respondent(s) No. 1

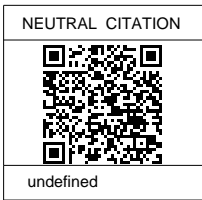
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CORAM:HONOURABLE MS. JUSTICE NISHA M. THAKORE

Date : 14/05/2024

ORAL ORDER

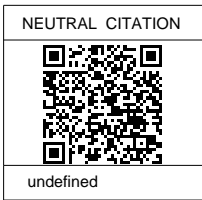
1. Heard learned advocate Mr. Bakul S. Panchal for the applicant and learned Additional Public Prosecutor Mr. H.K. Patel appearing for the respondent-State.
2. **Rule.** Learned APP waives service of notice of rule on behalf of the respondent-State.
3. By way of this application under Section 438 of the Code of Criminal Procedure, 1973, the applicant prays for being released on transit anticipatory bail in connection with FIR bearing No.0100 of 2024 registered with Girwai Police Station, District Gwalior, Madhya Pradesh for the offences punishable under sections 376-D, 354(C), 377, 328 and 384 of the Indian Penal Code.



4. Learned advocate Mr. Bakul S. Panchal for the applicant, at the outset, submits that original complainant in the present case has falsely implicated the present applicant in order to coerce/compel the applicant to step back as witness in the criminal case registered against the original complainant. The allegations made against the applicant are unfounded and without merit. It is further submitted that inclusion of the name of the present applicant in the FIR is an act of malice and an attempt to obstruct the course of justice. The applicant has no involvement in the alleged offence and is merely being targeted due to his status as a witness in another case which is against the original complainant. Learned advocate has therefore urged that the present applicant may be protected for temporary period till he files an appropriate application before the appropriate Court.

5. Learned APP Mr. H.K. Patel appearing for the respondent-State has objected to the submissions made by learned advocate for the applicant and has urged this Court to take into consideration the gravity of offence alleged in the FIR. He has therefore urged to dismiss the present application.

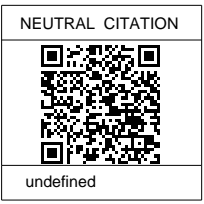
6. I have heard the learned advocate appearing for the applicant. It could be noticed that the applicant is a resident of Ahmedabad City



and is facing FIR which is registered at Girwai Police Station, District-Gwalior, Madhya Pradesh. The apprehension expressed by the applicant is evident from the bare perusal of the FIR wherein he is arraigned as accused no.2. Rejection of the plea for limited/transitory anticipatory bail solely with reference to the concept of territorial jurisdiction may result into miscarriage of justice and aggravate the adversity of the accused, who is apprehending arrest. Considering the averments made in the application, this application deserves to be allowed and hence, the following order is passed:

“The applicant shall not be arrested for a period of **7 days** in connection with FIR registered as **FIR bearing No.0100 of 2024 registered with Girwai Police Station, District Gwalior, Madhya Pradesh for the offences punishable under sections 376-D, 354(C), 377, 328 and 384 of the Indian Penal Code** and the applicant may approach the Competent Court with territorial jurisdiction for the purpose of obtaining anticipatory bail in connection with the aforesaid offence.”

7. It is made clear that if the applicant fails to apply for anticipatory bail and does not approach the Court of competent jurisdiction, this transit anticipatory bail granted by this Court shall



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

SUYASH SRIVASTAVA

(NISHA M. THAKORE,J)