

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/CRIMINAL MISC.APPLICATION (FOR REGULAR BAIL
- AFTER CHARGESHEET) NO. 9367 of 2024

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RAMESHVARI @ CHHOTI W/O RAVAN PARASHRAM
GAYAKWAD & ANR.

Versus
STATE OF GUJARAT

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Appearance:

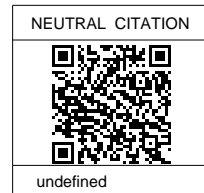
MR BHAVIN S RAIYANI(3855) for the Applicant(s) No. 1,2
MR. H.K. PATEL, APP for the Respondent(s) No. 1

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

Date : 15/05/2024

ORAL ORDER

1. **Rule.** Mr. Patel, 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. No.11191042240063 of 2024 registered with the Satellite Police Station, Ahmedabad for the offence punishable under Section 379 of the Indian Penal Code.
3. Learned advocate for the applicants submitted that the so-called incident has taken place on 28th February, 2024 for which, the FIR has been lodged on 24th March, 2024 and the applicants have been arrested in connection with the same on 1st April, 2024 and since then, they are in judicial custody. Learned advocate submitted that now the investigation is



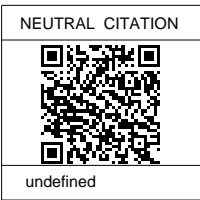
completed and after submission of the charge-sheet, the present application is preferred. It is, therefore, urged that considering the nature of the offence, the applicant may be enlarged on regular bail by imposing suitable conditions.

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 applicants is grave as clearly spelt out from the papers of the charge-sheet and, hence, the present application may not be entertained. The reliance was placed on charge-sheet papers as well as affidavit filed by IO to contend that the applicants are found repeatedly involved in such kind of offences. The muddamal was recovered from the applicants.

5. In rejoinder, learned advocate for the applicants has submitted that it was joint recovery. As regards antecedents of applicants, it was submitted that being lady accused, this Court may take liberal approach as the offence alleged is Magistrate triable offence. Learned advocate has further expressed to abide by the strict conditions including restrictions of their movement for stipulated period.

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

7. 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 applicants.

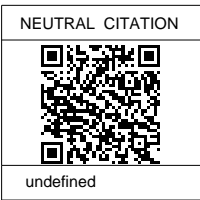


8. It is found out from the record that the present application is preferred after submission of the charge-sheet and now the investigation is completed and the applicants are in judicial custody since 1st April, 2024. I have considered the role attributed to the present applicants at the time of commission of crime. The offences alleged are Magistrate triable offences. Therefore considering the above factual aspects, the present application deserves to be allowed.

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***.

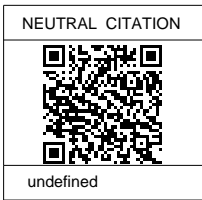
10. In the facts and circumstances of the case and considering the nature of the allegations made against the applicants in the FIR, without discussing the evidence in detail, *prima facie*, this Court is of the opinion that this is a fit case to exercise the discretion and enlarge the applicants on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

11. Hence, the present application is ***allowed***. The applicants are ordered to be released on regular bail in connection with the FIR being C.R. No.11191042240063 of 2024 registered with the Satellite Police Station, Ahmedabad on their executing a personal bond of Rs.15,000/- (Rupees Fifteen Thousand only) each with one surety of the like amount to the satisfaction of the trial Court and subject to the conditions that they 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 concerned court within a week;
- [d] not leave the State of Gujarat without prior permission of the concerned court;
- [e] mark presence before the Satellite Police Station once in every English calendar month for a period of one year 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] ***not to enter the territorial jurisdiction of Ahmedabad city for the period of one year, except to attend the Court proceedings and marking presence before the concerned Police Station, if any.***

12. 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 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.

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

AMAR RATHOD...

(NISHA M. THAKORE, J.)