

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD****R/CRIMINAL MISC.APPLICATION (FOR ANTICIPATORY BAIL) NO. 9413  
of 2024**

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HITESHWARI D/O ARVINDBHAI PATEL W/O KUSH JAYESHKUMAR MODI  
Versus  
STATE OF GUJARAT

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Appearance:

MR. ASIM PANDYA, SR.COUNSEL FOR MR.MANAN BHATT(6535) for the  
Applicant(s) No. 1

MR. UTKARSH SHARMA, APP for the Respondent(s) No. 1

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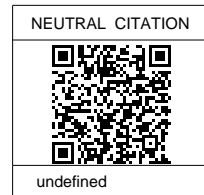
**CORAM:HONOURABLE MR. JUSTICE PRANAV TRIVEDI**

**Date : 24/05/2024**

**ORAL ORDER**

[1] By way of the present application under Section 438 of the Code of Criminal Procedure, 1973, the applicant original accused has prayed to release her on anticipatory bail in case of her arrest in connection with the FIR registered as C.R No.I-112000011240620 of 2024 before Valsad Rural Police Station, District: Valsad

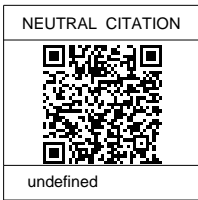
[2] Learned Senior Counsel for the applicant Mr. Asim Pandya submits that the applicant is lady accused and she is residing separately at Ahmedabad. He has further submitted that considering the nature of allegations, role attributed to the applicant, the applicant may be enlarged on anticipatory bail by imposing suitable conditions.



[3] Learned Additional Public Prosecutor appearing on behalf of the respondent-State has opposed grant of anticipatory bail looking to the nature and gravity of the offence. He has submitted that present applicant was constantly in touch with friend of Mayur to convince him not to marry deceased.

[4] Heard the learned Advocates for the respective parties and perused the papers.

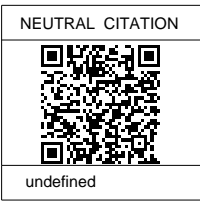
[5] Having heard the learned counsel for the parties and perusing the record of the case and taking into consideration the facts of the case, nature of allegations, the role attributed to the present applicant is that of being sister of the accused Mayur who was in relationship with the deceased. It is the allegations that the present applicant was involved in convincing Mayur to marry with the deceased. Without discussing the evidence in detail, the applicant is female lady and she is residing separately at Ahmedabad and there is no material on record to show that she had actively participated to harass the deceased or pressurizing her not to marry with her brother Mayur, I am inclined to grant anticipatory bail to the applicant. This Court has also taken into consideration the law laid down by the Hon'ble Apex Court in the case of **Siddharam Satlingappa Mhetre vs. State of Maharashtra and Ors.** as reported at [2011] 1 SCC 6941, wherein the Hon'ble Apex Court reiterated the law laid down by the Constitutional Bench in the the case of **Shri Gurubaksh Singh Sibbia & Ors.**, as



reported at **(1980) 2 SCC 665**.

[6] In the result, the present application is allowed by directing that in the event of applicant herein being arrested pursuant to FIR registered as C.R No.I-112000011240620 of 2024 before Valsad Rural Police Station, District: Valsad shall be released on bail on furnishing a personal bond of Rs. 10,000/- (Rupees Ten Thousand only) with one surety of like amount on the following conditions that the applicant shall :

- (a) cooperate with the investigation and make available for interrogation whenever required;
- (b) remain present at concerned Police Station on **3<sup>rd</sup> June, 2024** between 11.00 a.m. and 2.00 p.m.;
- (c) not directly or indirectly make any inducement, threat or promise to any person acquainted with the fact of the case so as to dissuade from disclosing such facts to the court or to any police officer;
- (d) not obstruct or hamper the police investigation and not to play mischief with the evidence collected or yet to be collected by the police;
- (e) at the time of execution of bond, furnish the address to the investigating officer and the court concerned and shall not change residence till the final disposal of the case till further orders;
- (f) not leave India without the permission of the Court and if having passport shall deposit the same before the Trial



Court within a week; and

[7] At the trial, the Trial Court shall not be influenced by the prima facie observations made by this Court while enlarging the applicant on bail.

[8] Rule is made absolute. Application is disposed of accordingly. Direct service is permitted.

BEENA SHAH/79

**(PRANAV TRIVEDI,J)**