



IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/CRIMINAL MISC.APPLICATION (FOR REGULAR BAIL
- AFTER CHARGESHEET) NO. 9434 of 2024

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PRADIP BADRIPRASAD YADAV
Versus
STATE OF GUJARAT

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Appearance:

MR GAJENDRA P BAGHEL(2968) for the Applicant(s) No. 1
MS AKANKSHA A DWIVEDI(12913) for the Applicant(s) No. 1
MR. H.K. PATEL, APP for the Respondent(s) No. 1

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

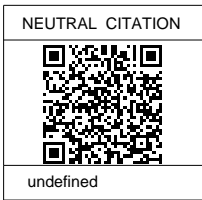
Date : 17/05/2024

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.11210025240436 of 2024 registered with Limbayat Police Station, Surat** for the offence punishable under Sections 195A, 294(B), 506(2) and 114 of the Indian Penal Code.

3. Learned advocate for the applicant submitted that the so-called incident has taken place on 29th January, 2024 for which, the FIR has been lodged on 31st January, 2024 and the applicant has been arrested in connection with the same on 27th March, 2024 and since then, he is in judicial custody.



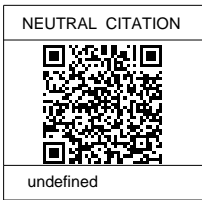
Learned advocate submitted that now the investigation is completed and present application is filed after submission of the charge-sheet. It is, therefore, urged that considering the nature of the offence, the applicant may be enlarged on regular bail by imposing suitable conditions.

4. Mr. Patel, 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 charge-sheet and, hence, 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.

7. I have considered the role attributed to the present applicant at the time of commission of crime. From the record, it appears that investigation is over and the present application is preferred after submission of the charge-sheet. The applicant is in jail since 27th March, 2024. Therefore considering the above factual aspects, the present application deserves to be allowed.

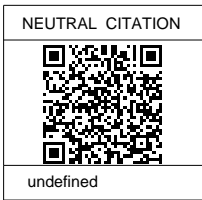


8. This Court has also taken into consideration the law laid down by the Hon'ble Apex Court in the case of **Sanjay Chandra v. Central Bureau of Investigation**, reported in **[2012] 1 SCC 40** as well as in case of **Satender Kumar Antil v. Central Bureau of Investigation & Anr.** reported in **(2022) 10 SCC 51**.

9. 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. I have considered the following aspects.

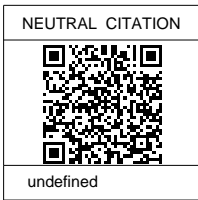
- [a] *The applicant has not been named in the FIR;*
- [b] *The involvement of the applicant has been disclosed during the course of investigation;*
- [c] *No T.I. parade of applicant has been conducted;*
- [d] *The Investigating Officer has collected CCTV footage of the complainant's shop, whereby the entire incident is recorded, which is disputed by the present applicant;*
- [e] *The investigation is over and the charge-sheet is filed;*
- [f] *The offences alleged are Magisterial triable.*

10. Hence, the present application is **allowed**. The applicant is ordered to be released on regular bail in connection with the FIR being **C.R. No.11210025240436 of 2024 registered with Limbayat Police Station, Surat** on his



executing a personal bond of Rs.10,000/- (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;

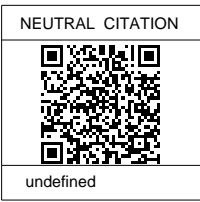
- (a) not directly or indirectly make any inducement, threat or promise to any person acquainted with the fact of the case so as to dissuade him from disclosing such facts to the Court or any Police Officer or tamper with the evidence;*
- (b) maintain law and order and not to indulge in any criminal activities;*
- (c) furnish the documentary proof of complete, correct and present address of residence to the Investigating Officer and to the Trial Court at the time of executing the bond and shall not change the residence without prior permission of the trial Court;*
- (d) provide contact numbers as well as the contact numbers of the sureties before the Trial Court. In case of change in such numbers inform in writing immediately to the trial Court;*
- (e) file an affidavit stating his immovable properties whether self acquired or ancestral with description, location and present value of such properties before the Trial Court, if any;*
- (f) not leave India without prior permission of the Trial Court;*
- (g) surrender passport, if any, to the Trial Court within a week. If the Applicant does not possess passport, shall file an Affidavit to that effect.*



11. Looking to the apprehension expressed by the Investigating Officer about threatening the witnesses and the complainant and the manner in which the incident is reported, the additional condition is imposed. During the course of argument, it was pointed-out that trial Court proceedings in respect of FIR being C.R. No.11210025240436 of 2024 registered with Limbayat Police Station, Surat for the offences punishable under Sections 195A, 294(B), 506(2) and 114 of the Indian Penal Code is pending at the stage of recording evidence and the trial is in progress. Noticing the manner in which the incident has taken place, the applicant is directed ***not to enter the territorial jurisdiction of Surat 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 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.

13. Needless to clarify that the trial Court shall not be influenced by the present observations of this Court at this stage of grant of bail, which are even otherwise of preliminary



nature as against the evidence which may emerged on record during the course of trial.

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

AMAR RATHOD...

(NISHA M. THAKORE, J.)