

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

**R/CRIMINAL MISC.APPLICATION (FOR REGULAR BAIL - AFTER
CHARGESHEET) NO. 9546 of 2024**

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RENUSINH @ DIPARAM DINESHSINH CHAUHAN
Versus
STATE OF GUJARAT
=====

Appearance:

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ANKIT M MODI(7418) for the Applicant(s) No. 1
MR KISHAN R CHAKWAWALA(9846) for the Applicant(s) No. 1
MS. JIRGA JHAVERI, APP for the Respondent(s) No. 1
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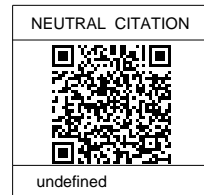
CORAM:HONOURABLE MR. JUSTICE PRANAV TRIVEDI

**Date : 24/05/2024
ORAL ORDER**

[1] **RULE.** Learned Additional Public Prosecutor waives service of notice of Rule on behalf of the respondent- State of Gujarat.

[2] The present application is filed under Section 439 of the Code of Criminal Procedure by the applicant for regular bail in connection with an FIR being I-C.R.No.11206074240135 of 2024 registered with Vijapur Police Station, District: Mehsana for the offences under Sections 306, 384, 114, 506(2) and 504 of the Indian Penal Code and Sections 33, 40 and 42 of the Gujarat Money Lenders Act.

[3] Learned advocate for the applicant submits that the applicant is an innocent person and has been falsely implicated in the alleged offence. It is submitted that the FIR is completely

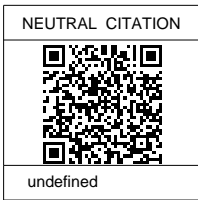


sham, bogus and amounts to abuse of process of law and there are no allegations or attribution of any kind of abetment, provocation or instigation to commit suicide and the essential ingredients of Section 306 of the Indian Penal Code are not attracted. It is also submitted that the suicide note was recovered a day after the incident and the suicide note is fishy and dubious in nature and moreover the name of the present applicant has not been mentioned in the alleged suicide note. It is submitted that the applicant has never lended any money or obtained any money. It is also submitted that investigation is over and charge-sheet has been submitted and the applicant is in judicial custody since 05.03.2024.

[3.1] Learned advocate for the applicant submits that considering the nature of allegations, role attributed to the applicant, the applicant may be enlarged on regular bail by imposing suitable conditions.

[4] Learned Additional Public Prosecutor appearing on behalf of the respondent-State has opposed grant of regular bail looking to the nature and gravity of the offence. Learned APP further ascertained that the name of applicant is not there in suicide note.

[5] I have heard learned advocates appearing on behalf of the respective parties. Learned advocates appearing on behalf of the respective parties do not invite reasoned order.



[6] This court has considered the following aspects:

(a) As per catena of decisions of Hon'ble Supreme Court, there are mainly 3 factors which are required to be considered by this court i.e. prima facie case, availability of applicant at the time of trial and tampering and hampering with the witnesses by the accused.

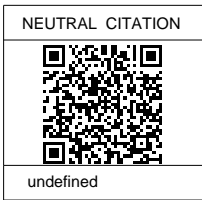
(b) That the investigation is over and charge-sheet has been submitted and therefore, now there is no possibility of the tampering with the evidence.

(c) That the learned advocate for the applicant has submitted that the applicant is not likely to flee away.

(d) The role attributed to the applicant is that of pressurizing the deceased to return borrowed money. Name of applicant has not been mentioned in the suicide note. The offence relate to Section 306 of the IPC.

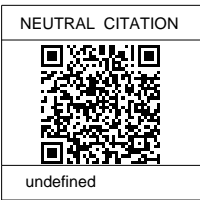
(e) That the applicant is in custody since 05.03.2024.

(f) The law laid down by the Hon'ble Apex Court in the case of **Sanjay Chandra v. C.B.I. Reported in (2012) 1 SCC 40.**



[7] In the facts and circumstances of the case and considering the nature of allegations made against the applicant in the FIR, I am of the opinion that discretion is required to be exercised in favour of the applicant and enlarge the applicant on regular bail. Hence, the present application is allowed and the applicant is ordered to be released on regular bail in connection with an offence FIR being I-C.R.No.11206074240135 of 2024 registered with Vijapur Police Station, District: Mehsana for the offences under Sections 306, 384, 114, 506(2) and 504 of the Indian Penal Code and Sections 33, 40 and 42 of the Gujarat Money Lenders Act on executing a personal bond of Rs.10,000/- (Rupees Ten Thousand Only) with one surety of the like amount to the satisfaction of the learned Trial Court and subject to the conditions that the applicant shall;

- [a] not take undue advantage of liberty or misuse liberty;
- [b] not act in a manner injurious to the interest of the prosecution;
- [c] surrender passport, if any, to the lower court within a week;
- [d] not leave the State of Gujarat without prior permission of the Sessions Judge concerned;
- [e] mark presence before the concerned Police Station on every Monday of each English calendar month for a period of **three** months and thereafter, alternate Monday for a period of **six** months, between 11:00 a.m. and 2:00 p.m.;



[f] furnish latest and permanent 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;

[8] 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 Sessions Judge concerned will be free to issue warrant or take appropriate action in the matter. Bail bond to be executed before the learned 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. At the trial, learned 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.

[9] Rule is made absolute to the aforesaid extent. Direct service is permitted.

(PRANAV TRIVEDI, J.)

DHARMENDRA KUMAR