

(2024) 05 GUJ CK 0096

In the Gujarat High Court

Case No : R/Criminal Appeal (For Anticipatory Bail) No. 990 Of 2024

Ajay Jamanbhai Sojitra (Patel)

APPELLANT

Vs

State Of Gujarat & Anr

RESPONDENT

Date of Decision : 22-05-2024

Acts Referred:

Scheduled Caste And Scheduled Tribe (Prevention Of Atrocities) Act, 1989 — Section 3(1)(r), 3(1)(s), 3(2)(V), 14(A)(2)
Indian Penal Code, 1860 — Section 114, 323, 392, 504, 506(2)

Citation : (2024) 05 GUJ CK 0096

Hon'ble Judges : Pranav Trivedi, J

Bench : Single Bench

Advocate : Pratik Y Jasani, Jay Mehta

Final Decision : Disposed Of

Judgement

Pranav Trivedi, J

1. Rule. Mr.Jay Mehta, learned APP waives service of notice of Rule on behalf of respondent State. Learned APP submits that though the complainant is reported to be served, he has chosen not to appear in the matter.

2. By way of the present appeal under Section 14 (A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocity) Act, the applicant accused has prayed for release on anticipatory bail in case of arrest in connection with the FIR being No.11202026230900 of 2023 with Jam Jodhpur Police Station, Jamnagar for the offenses punishable under Sections 392, 323, 504, 506(2) and 114 of the Indian Penal Code, Section 3(2) V, 3(1) (r) and 3(1) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocity) Act.

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

4. 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. Learned APP has tendered the report of the police authority which is taken on record. Learned APP has stated that concerned police authority has served to the complainant. However, despite service, complainant has chosen not to appear.

5. Heard the learned Advocates for the respective parties and perused the papers.

6. Having heard the learned advocates for the parties and perusing the material placed on record and taking into consideration the facts of the case, nature of allegations, gravity of offences, role attributed to the accused and as per the police report submitted by the learned APP, there is no conclusive materail against the present applicant. It was also reported by the authority that when it was informed to the complainant to give backup of the video, which they were alleging, the said video was not given to the authority. Subsequently, the mobile phone was given and which was sent to the FSL. Apart from these, there is no evidence which may connect the present applicant with the alleged offence. Therefore, without discussing the evidence in detail, at this stage, I am inclined to grant anticipatory bail to the applicant.

7. 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., reported at [2011] 1 SCC 694, wherein the Hon'ble Apex Court reiterated the law laid down by the Constitution Bench in the case of Shri Gurubaksh Singh Sibbia & Ors. Vs. State of Punjab, reported at (1980) 2 SCC 565.

8. In the result, the present application is allowed. The applicant is ordered to be released on bail in the event of his arrest in connection with aforesaid FIR on executing a personal bond of Rs.10,000/- (Rupees Ten Thousand Only) with one surety of like amount on the following conditions that the applicant:

(a) shall cooperate with the investigation and make themselves available for interrogation whenever required;

(b) shall remain present at concerned Police Station on 30.05.2023 between 11.00 a.m. and 2.00 p.m.;

(c) shall 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) shall 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) shall 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) shall not leave India without the permission of the concerned trial court and if

having passport shall deposit the same before the concerned trial court within a week; and

9. 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.

10. Rule is made absolute. Application is disposed of accordingly. Direct service is permitted.