

(2024) 05 GUJ CK 0097

In the Gujarat High Court

Case No : R/Criminal Appeal (For Anticipatory Bail) No. 989 Of 2024

Ritaben Govindbhai Chandra

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, 294(B), 323, 506(2)

Citation : (2024) 05 GUJ CK 0097

Hon'ble Judges : Pranav Trivedi, J

Bench : Single Bench

Advocate : Nipul H Gondalia, Dadhichi Limbola, 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 and learned advocate Mr.Dadhichi Limbola waives service of notice of Rule on behalf of the original complainant.

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 C.R.No.11203030240228 of 2024 with Keshod Police Station, Junagadh for the offenses punishable under Sections 323, 506(B), 294(B) and 114 of the Indian Penal Code, Section 3(2) VA, 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.

4.1 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.

4.2 Learned advocate Mr.Dadhichi Limbola for the original complainant submits that the present applicant was larger part of the conspiracy, she was involved from the very inception and there are allegations that she has used abusive words against the complainant. In humble submission of the learned advocate for the complainant there is clear-cut role and, therefore no case is made out to entertain the present application in favour of the applicant.

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, it needs to be observed that the role of the present applicant is categorically different than the other two co-accused who have been arrested and have been subsequently released on bail. There is specific allegations against the other co-accused with regard to allegations under the provisions of Atrocity Act and there is no such allegation against the present applicant, moreso she being female accused, there is specific reason to grant the present application. 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.