

**(2022) 08 GUJ CK 0063**  
**In the Gujarat High Court**  
**Case No : R/Criminal Appeal No. 1349 Of 2022**

Samir Mahendra Trivedi

APPELLANT

Vs

State Of Gujarat

RESPONDENT

**Date of Decision : 10-08-2022**

**Acts Referred:**

Scheduled Caste And Scheduled Tribe (Prevention Of Atrocities) Act, 1989 — Section 3(1)(r), 3(1)(s), 3(2)(v), 3(2)(va), 3(1)(w), 14A  
Code Of Criminal Procedure, 1973 — Section 439  
Indian Penal Code, 1860 — Section 376(2)(n), 406, 420, 506(2)

**Citation : (2022) 08 GUJ CK 0063**

**Hon'ble Judges : Nikhil S. Kariel, J**

**Bench : Single Bench**

**Advocate : Hardik H Pandit, Tejas D Shukla, LB Dabhi**

**Final Decision : Allowed**

**Judgement**

Nikhil S. Kariel, J

1. Heard learned Advocate Mr. Hardik Pandit on behalf of the appellant, learned Additional Public Prosecutor Mr. L.B. Dabhi on behalf of the respondent no.1-State and learned Advocate Mr. Tejas Shukla on behalf of the respondent no.2-first informant.

2. This appeal is filed by the appellant under Section 14-A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act read with Section 439 of the Code of Criminal Procedure for regular bail in connection with F.I.R bearing CR.No. I-11216002220023 of 2022 registered with Mahila Police Station, Gandhinagar for offences punishable under Sections 376(2)(n), 406, 420 and 506(2) of the Indian Penal Code, Sections 3(1)(r), 3(1)(s), 3(2)(v), 3(2)(va), 3(1)(w) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

3. Learned Advocate would submit that considering the fact that the present

appellant is in custody since 18.06.2022 in connection with the present offence this Court may release the present appellant on regular bail.

4. Learned APP Mr. Dabhi on behalf of the respondent no.1- State and learned Advocate Mr. Tejas Shukla on behalf of the respondent no.2- first informant have opposed grant of regular bail looking to the nature and gravity of the offence, this Court may not consider this appeal at this stage.

5. Considering the submissions made by learned Advocates for the parties, without entering into a detailed analysis of the evidence, this Court has taken into consideration the following aspects:

[1] That the first informant and the accused were in a relationship from the year 2015-2016. The allegation being that being enticed by the appellant, the first informant had divorced her husband in the year 2017 and whereafter the present appellant did not get married to the first informant.

[2] It appears that both the present appellant and the first informant were mature persons when their relationship had been established, the first informant aged around 32 years at the time of the relationship and the present applicant too being aged almost the same.

[3] It appears that while there was some relationship between the parties, there is nothing to show that such relationship had been established on account of any promise more particularly considering the fact that from 2017, the first informant was in a relationship with the present appellant and whereas the present FIR is filed after 5 years.

[4] It also appears that the allegation under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 is more with regard to the relationship not culminating into marriage and whereas it does not appear that the first informant was insulted in any manner on account of her caste.

[5] The fact of the appellant being in custody since 18.06.2022.

6. In the facts and circumstances of the case and considering the nature of allegations made in the FIR and without discussing the evidence in details as well as without going into details, prima-facie, this Court is of the opinion that this is a fit case to exercise the discretion to enlarge the appellant on bail.

7. Hence, the appeal is allowed and the appellant is ordered to be released on bail in connection with FIR being CR.No. I- 11216002220023 of 2022 registered with Mahila Police Station, Gandhinagar on executing a bond of Rs.10,000/- (Rupees Ten 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 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] furnish the present address of residence to the I.O. and also to the Court at the time of execution of the bond and shall not change the residence without prior intimation to the Investigating Officer concerned ;

[f] mark presence once in a month for a period of next three months at the nearest Police Station

8. The Authorities will release the appellant only if she 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 lower court having jurisdiction to try the case.

9. 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, the 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 appellant on bail. Direct service is permitted.