

(2024) 01 GUJ CK 0040

In the Gujarat High Court

Case No : R/Criminal Misc.Application (For Regular Bail - After Chargesheet) No. 16780 Of 2023

Udaykumar Darogaprasad Yadav

APPELLANT

Vs

State Of Gujarat

RESPONDENT

Date of Decision : 08-01-2024

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 439
Indian Penal Code, 1860 — Section 114, 306, 495, 498A

Citation : (2024) 01 GUJ CK 0040

Hon'ble Judges : Divyesh A. Joshi, J

Bench : Single Bench

Advocate : Rajendra D Jadhav, Hardik Soni

Final Decision : Allowed

Judgement

Divyesh A. Joshi, J

1. The present application is filed under Section 439 of the Code of Criminal Procedure, 1973, for regular bail in connection with C.R. No. 11210045231942 of 2023 registered with the Pandesara Police Station, District Surat City for the offence punishable under Sections 306, 495, 498A and 114 of the Indian Penal Code.

2. Learned advocate Mr. Rajendra Jadhav appearing on behalf of the applicant has submitted that so called incident has occurred on 28.04.2023 and the FIR was registered on 30.04.2023. The applicants were arrested on 04.05.2023, since then they are in judicial custody. It is also submitted that the investigation is already completed and the present application is filed after submission of the charge-sheet. Learned advocate submits that FIR has been lodged against three accused persons and the applicants are mother-in-law and father-in-law respectively of the deceased. Learned advocate further submits that the marriage of the son of the present applicants was in existence and he has registered the marriage with the deceased, therefore, as and when the deceased

had gone to the house of the present applicants along with accused no.1, the present applicants have raised objections about the said relationship and could not permit them to reside in the said house and due to which, harassment was caused to the deceased and ultimately, the deceased committed suicide, however except above, there is no any specific role attributed by the present applicants. Considering the role attributed by the present applicants at the time of commission offence, the applicants may be enlarged on regular bail by imposing suitable terms and conditions.

3. Learned APP appearing on behalf of the respondent-State has opposed the present bail application. It is submitted that the role of the present applicants is clearly spelt out from the body of the compilation of the charge sheet papers. Considering the role attributed by the present applicants, the present application may not be considered.

4. Learned advocates appearing on behalf of the respective parties do not press for further reasoned order.

5. I have perused the police papers as well as documents produced by the applicant along with the memo of the application. It is found out from the record that the applicants are jail since 04.05.2023. The investigation is already completed and the present application is filed after submission of the charge-sheet. The applicants are mother-in-law and father-in-law of the deceased and I have also considered the role attributed to them. Considering the role attributed by the present applicant at the time of commission offence, I am inclined to exercise the discretion in favour of the applicants.

6. 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.

7. In the facts and circumstances of the case and considering the nature of the allegations made against the applicants 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 applicants on regular bail.

8. Hence, the present application is allowed and the applicants are ordered to be released on regular bail in connection with C.R. No. 11210045231942 of 2023 registered with the Pandesara Police Station, District Surat City, on executing a personal bond of Rs. 15,000/- (Rupees Fifteen Thousand only) each with one surety of the like amount to the satisfaction of the trial Court and subject to the conditions that they shall;

[a] not take undue advantage of liberty or misuse liberty;

[b] not act in a manner injuries 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 alternate Monday of every English calendar month for a period of six months between 11:00 a.m. to 2:00 p.m.;

[f] furnish the present 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;

9. The authorities will release the applicant only if they are 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. It will be open for the concerned Court to delete, modify and/or relax any of the above conditions, in accordance with law.

10. 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 applicant on bail.

11. The present application stands allowed accordingly. Rule made absolute to the aforesaid extent.

Direct service is permitted.