

# Vinjuda Prabhabe Mavjibhai Legal ... vs State Of Gujarat on 11 February, 2025

R/CR.RA/1591/2024

ORDER DA

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/CRIMINAL REVISION APPLICATION (FOR REGULAR BAIL) NO. 1591  
of 2024

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VINJUDA PRABHABEN MAVJIBHAI LEGAL GUARDIAN OF THE VINJUDA  
RUTVIJ MAVJIBHAI  
Versus  
STATE OF GUJARAT & ANR.

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Appearance:

MS. NAYNAVATI S JETHVA(10030) for the Applicant(s) No. 1  
NOTICE SERVED for the Respondent(s) No. 2  
MR HK PATEL, APP for the Respondent(s) No. 1

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CORAM:HONOURABLE MR. JUSTICE HASMUKH D. SUTHAR

Date : 11/02/2025  
ORAL ORDER

Though served, none appears on behalf of the respondent No.2.

1. The present Criminal Revision Application is preferred by the Guardian of the Juvenile under Section 102 of the Juvenile Justice (Care And Protection) Act seeking Regular Bail of the Juvenile by challenging the order passed by the learned 2 nd Additional Sessions Judge, Surat in Criminal Appeal No. 757 of 2024 dated 01.10.2024, whereby the Bail Application of the Juvenile in connection with the offence registered at Rander Police Station, Surat City in connection with FIR being C.R. No. 11210050241093/2024 for the offence under Sections 103(2), 115(2), 118(1), 118(2), 352, 351(3), 54, 189(1)(4), 190, 191(1)(3), etc. of Bhartiya Nyaya Sanhita 2023 and Section 3(1)R, 3(2)(5) ATRO Act and 135 of the G.P. Act NEUTRAL CITATION R/CR.RA/1591/2024 ORDER DATED: 11/02/2025 undefined

2. Heard learned Advocate for the Applicant herein and learned APP for the Respondent - State.

3. Rule. Learned APP waives service of notice of Rule on behalf of the Respondent - State.

4. Learned Advocate for the Applicant has submitted that the applicant has not played an active role in commission of offence. The only role attributed to the present applicant is to the effect that the applicant had caught hold the deceased but the applicant had not inflicted any blows upon the body of the deceased. She has further submitted that the other co-accused have been considered for grant of bail either by this Court or by the learned Sessions Court. It is further contended that the Juvenile is ready and willing to abide by all the conditions that may be imposed by this Court if released on bail.

5. Per contra, learned APP has opposed the present application for grant of regular bail contending that the applicant has actively participated in commission of offence in question. Learned APP has, therefore, submitted that looking to the nature of offence, this Court may not exercise the discretion in favour of the Juvenile and the Application may be dismissed.

6. While granting bail, the Court has to consider the involvement of the accused in the alleged offence, the jurisdiction to grant bail has to be exercised on the basis of the well settled principles having regard to the facts and circumstances of each case and the following factors are to be NEUTRAL CITATION R/CR.RA/1591/2024 ORDER DATED: 11/02/2025 undefined taken into consideration while considering an application for bail: (i) the nature of accusation and the severity of the punishment and the nature of the materials relied upon by the prosecution; (ii) reasonable apprehension of tampering with the witnesses and threat to the complainant or the witnesses;

(iii) reasonable possibility of securing the presence of the accused at the time of trial or the likelihood of his abscondence; (iv) character behaviour and standing of the accused and the circumstances which are peculiar to the accused; (v) larger interest of the public or the State and similar other considerations are required to be considered.

6. I have heard the learned advocates appearing on behalf of the respective parties and perused the investigation papers. Following aspects have been considered:

(1) Investigation is over and chargesheet has been filed;

(2) Applicant is behind the bar since 04.08.2024; (3) Nothing is required to be recovered or discovered from the applicant.

(4) There is no possibility to conclude the trial in near future.

(5) applicant has no past antecedent.

(6) As the co-accused has been granted bail, theref

the present application requires consideration in view of the principle of parity laid down in the case of Rameshbhai Batubhai Dhobi vs. State of Gujarat, reported in

(1999) 3 GLR 1150..

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7. Having heard the learned Advocates for the parties and perusing the record produced in this case as well as taking into consideration the facts of the case, nature of allegations, gravity of accusation, availability of the Juvenile at the time of Trial etc. and the role attributed to the Juvenile, the present Application deserves to be allowed and accordingly stands allowed. This Court has also gone through the FIR and police papers and also the earlier order passed by the learned Sessions Court where the learned Sessions Judge has disallowed the bail Application at initial stage.

7.1 Let the revisionist aged about 15 years and 6 Months at the time of the incident, who is in observation home since 04.08.2024 be released on bail via assurance and surety given by her natural guardian, after furnishing a personal bond of Rs. 10,000/- (Rupees Ten Thousand only) with one surety of her relatives each in the like amount to the satisfaction of Juvenile Justice Board, Surat, subject to the following conditions:

(i) Natural guardian will furnish an undertaking that upon release on bail the revisionist will not be permitted to go into contact or association with any known criminal or allowed to be exposed to any moral, physical, or psychological danger and further that the mother will ensure that the juvenile will not repeat the offence.

(ii) Natural guardian will further furnish an undertaking to the effect that the juvenile will pursue his study at the appropriate level which he would be encouraged to do besides other NEUTRAL CITATION R/CR.RA/1591/2024 ORDER DATED: 11/02/2025 undefined constructive activities and not be allowed to waste his time in unproductive and excessive recreational pursuits.

(iii) Juvenile and natural guardian will report to the Probation Officer on the first Monday of every calendar month .

(iv) The Probation Officer will keep a strict vigil on the activities of the juvenile and regularly draw up her social investigation report that would be submitted to the Principal Magistrate, Juvenile Justice Board, Juvenile Court, Surat on such a periodical basis as the Juvenile Justice Board may determine.

(v) maintain law and order and not to indulge in any criminal activities.

(vi) provide contact numbers as well as the contact numbers of the sureties before the Board. In case of change in such numbers inform in writing immediately to the Board.

(vii) not leave India without prior permission of the Board.

(viii) surrender passport, if any, to the Board within a week. If the Juvenile does not possess passport, shall file an Affidavit to that effect.

8. If breach of any of the above conditions is committed, the Board concerned will be free to issue warrant or take appropriate action according to law. The Authorities will release the Juvenile forthwith only if she is not required in connection with any other offence for the time being.

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9. At the trial, the concerned Board shall not be influenced by the prima facie observations made by this Court in the present order.

10. Rule is made absolute. Direct service permitted.

(HASMUKH D. SUTHAR,J) ALI