

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CRIMINAL MISC.APPLICATION (FOR ANTICIPATORY BAIL) NO. 2964
of 2024****With
R/CRIMINAL MISC.APPLICATION NO. 2967 of 2024**
=====**ANERI W/O ANKIT SHAILESHBHAI PATEL
Versus
STATE OF GUJARAT**
=====**Appearance:**

MR NM PATEL(6042) for the Applicant(s) No. 1
MR.RAJESH B SONI(2632) for the Applicant(s) No. 1
MITESH AMIN, AAG WITH MR SOHAM JOSHI, ADDL. PUBLIC
PROSECUTOR for the Respondent(s) No. 1

=====**CORAM:HONOURABLE MR. JUSTICE J. C. DOSHI****Date : 07/03/2024****ORAL ORDER**

Learned AAG would submit that pursuant to the order passed by this Court dated 14.2.2024 as well as order passed by the Division Bench of this Court headed by Hon'ble the Chief Justice on 12.2.2024, a detailed letter has been written to the Director General of Police, Gandhinagar, State of Gujarat and pursuant to which, vide order dated 6.3.2024, the Director General of Police, Gandhinagar, State of Gujarat has issued range of directions and instructions to the concerned police stations. Considering the compilation letters placed on record, I am satisfied that necessary action is taken at the end of learned AAG.

So considering this aspect, this Court hope and trust that

letter dated 6.3.2024 issued by the Director General of Police, Gandhinagar, State of Gujarat shall be scrupulously followed by all the police officers across the State of Gujarat.

Learned advocate Ms. Ritixa Zala states at bar that she has instructions to appear for the first informant and she shall file Vakalatnama in due course in both the petitions.

1. By way of the present petitions under Section 438 of the Code of Criminal Procedure, 1973, the petitioner has prayed to release him on anticipatory bail in case of his arrest in connection with the FIR registered as **C.R.Nos.11216011230534 & 11216011230543** registered with **Gandhinagar Infocity Police Station**.
2. Learned advocate for the petitioner submits that considering the nature of allegations, role attributed to the petitioner, the petitioner may be enlarged on anticipatory bail by imposing suitable conditions.
3. Learned Additional Public Prosecutor appearing on behalf of the respondent-State as well as learned advocate for the first informant opposed grant of anticipatory bail looking to the nature and gravity of the offence.
4. Heard the learned Advocates for the respective parties and perused the papers.
5. Having heard the learned advocate for the parties and perusing the investigation papers, it is equally incumbent upon

the Court to exercise its discretion judiciously, cautiously and strictly in compliance with the basic principles laid down in a plethora of decisions of the Hon'ble Apex Court on the point. It is well settled that, among other circumstances, the factors to be borne in mind while considering an application for bail are (i) whether there is any *prima facie* or reasonable ground to believe that the accused had committed the offence; (ii) nature and gravity of the accusation; (iii) severity of the punishment in the event of conviction; (iv) danger of the accused absconding or fleeing, if released on bail; (v) character, behaviour, means, position and standing of the accused; (vi) likelihood of the offence being repeated; (vii) reasonable apprehension of the witnesses being influenced; and (viii) danger, of course, of justice being thwarted by grant of bail. Though at the stage of granting bail an elaborate examination of evidence and detailed reasons touching the merit of the case, which may prejudice the accused, should be avoided. I have considered the following aspects.

- (1) The petitioner is a lady accused.
- (2) Maximum punishment, which can be entailed in the present offence, is less than seven years.
- (3) No antecedents are registered against the petitioner.

6. Having heard the learned counsel for the parties and perusing the record of the case and taking into consideration the facts of the case, nature of allegations, role attributed to the accused, without discussing the evidence in detail, at this stage, I am inclined to exercise discretion in favour of the petitioner.

7. This Court while exercising discretion in favour of the petitioner has taken into consideration law laid down by the Apex Court in the case of **Siddharam Satlingappa Mhetre vs. State of Maharashtra and Ors.** [2011] 1 SCC 694, wherein the Hon'ble Apex Court reiterated the law laid down by the Constitutional Bench in the the case of **Shri Gurubaksh Singh Sibia & Ors. Vs. State of Punjab (1980) 2 SCC 665**. This Court has also taken into consideration law laid down in the case of **Sushila Agarwal v/s. State (NCT of Delhi [(2020) 5 SCC 1]**.

8. In the result, the present petitions are allowed by directing that in the event of applicant herein being arrested pursuant to FIR registered as **C.R.Nos.11216011230534 & 11216011230543** registered with **Gandhinagar Infocity Police Station**, the petitioner shall be released on bail on furnishing a personal bond of Rs. 10,000/- (Rupees Ten Thousand only) with one surety of like amount on the following conditions that the petitioner :

- (a) shall cooperate with the investigation and make himself available for interrogation whenever required;
- (b) shall remain present at concerned Police Station on 19.3.2024 between 10.00 a.m. and 4.00 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 him 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;

9. If breach of any of the above conditions is committed by the petitioner, the concerned learned Judge will be free to take appropriate action in the matter. 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 *prima facie* observations made by this Court while enlarging the petitioner on bail.

Direct service is permitted.

(J. C. DOSHI,J)

SHEKHAR P. BARVE