IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/CRIMINAL MISC.APPLICATION NO. 17331 of 2020

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SURMABEN DHIRAJLAL PATEL

Versus

STATE OF GUJARAT

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Appearance:
MR APURVA A DAVE(3777) for the Applicant(s) No. 1
MS.M.D.MEHTA APP(2) for the Respondent(s) No. 1
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CORAM:**HONOURABLE MR. JUSTICE R.P.DHOLARIA**

Date : 22/12/2020

ORAL ORDER

[1] This bail application is filed under Section 439 of the Code of Criminal Procedure for regular bail in connection with an offence being C.R.No.11191047200040 of 2020 registered with Mahila Police Station (East), Ahmedabad for the offence punishable under Sections 376(2)(N)(F)(L), 498(A), 294(B), 506(2) & 114 of the Indian Penal Code.

[2] Learned advocate appearing on behalf of the applicant through video conferencing submits that considering the nature of offence, the applicant may be enlarged on regular bail by imposing suitable conditions.

[3] Learned Additional Public Prosecutor appearing on behalf of the respondent-State through video conferencing has opposed grant of regular bail looking to the nature and gravity of the offence.

[4] Having heard the learned advocates for the parties and taking into consideration that (i) after conclusion of investigation, chargesheet has already been filed; (ii) prima facie, it appears from the record that

the role of the present applicant is revealing to the extent that she remained as mute spectator while the offence alleged to have been committed; (iii) the applicant is a lady accused.

[5] In the facts and circumstances of the case and considering the nature of allegations made against the applicant 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 applicant on regular bail. Hence, the present application is allowed and the applicant is ordered to be released on **regular bail** in connection with an offence being C.R.No.11191047200040 of 2020 registered with Mahila Police Station (East), Ahmedabad on executing a personal bond of **Rs.15,000/-** (Rupees Fifteen thousand only) with one surety of the like amount to the satisfaction of the learned Trial Court and subject to the conditions that she 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 India without prior permission of the Sessions Judge concerned;

[e] mark presence before the concerned Police Station on alternate Monday for initial three months and thereafter, on first Monday of every English calendar month, for a further period of three months, between 10:00 a.m. and 2:00 p.m.;

[f] furnish latest 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 the trial Court;

[6] The Authorities will release the applicant 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 learned 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. At the trial, learned 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. Rule is made absolute to the aforesaid extent.

[7] Registry to send the copy of the this Order to the concerned Jail Authority through Fax and Email.

(R.P.DHOLARIA, J)

MOHMMEDSHAHID