

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/CRIMINAL MISC. APPLICATION (FOR SUCCESSIVE REGULAR
BAIL - AFTER CHARGE-SHEET) NO.3702 of 2025

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BALESH @ BALESHWARI D/O BALJITSINGH YADAV
Versus
STATE OF GUJARAT

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Appearance :

MR HEMANT B RAVAL for the Applicant.
VAIBHAVI D RAVAL for the Applicant.
MR. DIPESH KALAL for the Complainant.
MR HARDIK MEHTA, APP for the Respondent No.1.

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CORAM:HONOURABLE MR. JUSTICE NIRZAR S. DESAI

Date : 27/06/2025
ORAL ORDER

1. Rule. Learned APP waives service of notice of rule for the respondent - State.
2. By this application filed under Section 439 of the Code of Criminal Procedure, 1973, the applicant is seeking release on regular bail in connection with the **FIR being I C. R. No.34 of 2014 registered with Talaja Police Station, District Bhavnagar** for the offences punishable under Sections 406, 420, 467, 468, 471 and 114 of the Indian Penal Code.
3. Learned advocate for the applicant submitted that, the applicant is not involved in commission of offence as alleged in the FIR and therefore, looking to the role of the applicant and nature of the allegations, the applicant is required to be enlarged on regular bail by imposing suitable terms and conditions.

4. On the other hand, learned APP appearing for the respondent – State vehemently submits that, the offences, which have been charged, are serious in nature affecting the society at large and looking to the facts as well as the allegations made against the applicant, no discretion would be required to be exercised.
5. The original complainant is present in the Court and he too opposed grant of bail to the present applicant by stating that the applicant has remained absconded for a long time i.e. for almost 8 years and if she is granted bail again, she will flee away and will not be available at the time of trial.
6. Learned advocate appearing for the applicant states that necessary strict conditions may be imposed upon the applicant so as to secure her presence.
7. In the facts and circumstances of the case and considering the nature of allegations, this Court is of the opinion that, discretion is required to be exercised to enlarge the applicant on regular bail. This Court has considered the following facts while exercising discretion in favour of the applicant :-
 - (i) the applicant is in jail since 06.02.2023;
 - (ii) the investigation is over and the charge-sheet is filed;
 - (iii) the applicant is a lady accused and is having two minor children and the husband of the applicant has died and hence, she will have to take care of them;
 - (iv) though in the on-going trial, 8 witnesses are examined and still more 8 witnesses are to be examined which would indicate that the trial is not likely to get over

very soon;

8. In view of the aforesaid facts, without discussing the evidence in detail, this Court, *prima facie*, is of the opinion that, this is a fit case to exercise the discretion and enlarge the applicant on regular bail. Hence, present application is allowed and the applicant is ordered to be released on regular bail in connection with the **FIR being I C. R. No.34 of 2014 registered with Talaja Police Station, District Bhavnagar** on executing **personal bond of Rs.25,000/- (Rupees Twenty Five Thousand only) with two local sureties of Rs.25,000/- each** 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 State of Gujarat without prior permission of the Sessions Judge concerned;
 - [e] 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;
 - [f] mark her presence before the concerned Police Station twice in a month till the trial is over;
9. The Authorities will release the applicant only if the applicant 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.

10. Rule is made absolute to the aforesaid extent. Direct service is permitted.

(NIRZAR S. DESAI,J)

SAVARIYA

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: RAJNISH NARENDRA SAVARIYA(HC00179), PRINCIPAL PRIVATE SECRETARY, at High Court of Gujarat on 27/06/2025 15:11:51