

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

**R/CRIMINAL MISC.APPLICATION NO. 12499 of 2025
(FOR ANTICIPATORY BAIL)**

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TANK NANAKIKAUR ARJUNSING
Versus
STATE OF GUJARAT

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Appearance:

DINESHKUMAR D GAUTAM(9549) for the Applicant(s) No. 1
MR HARDIK SONI APP for the Respondent(s) No. 1

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CORAM:HONOURABLE MR. JUSTICE DIVYESH A. JOSHI

Date : 14/07/2025

ORAL ORDER

1. Rule. Learned APP waives service of notice of rule for respondent – State of Gujarat.
2. By way of the present application under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short "BNSS"), the applicant has prayed for anticipatory bail in the event of arrest in connection with the FIR being C.R. No. 11191045250033/2025 of 2025 registered with Sola High Court Police Station, Ahmedabad City for the alleged offences as mentioned in the FIR.
3. Learned advocate for the applicant has referred to the FIR and submitted that the applicant is not named in the FIR and in fact, the FIR is lodged against unknown person. He submitted that after registration of the FIR, the investigation was put into motion and during the course of investigation, four accused were arrested and,

they were chargesheeted. He submitted that during the course of investigation, the name of the applicant has come on surface on the strength of the statement of the co-accused, therefore, she is shown as absconding accused at the time of filing of the chargesheet against those accused persons. He, however, submitted that in view of the recent decision of the Hon'ble Supreme Court in case of **P. Krishna Mohan Reddy Vs. State of Andhra Pradesh**, reported in **2025 (0) INSC 725**. He submitted that so far as the role attributed to the present applicant is that she sold the stolen articles to the goldsmith and except this, there is no other incriminating material found out against her and she is not having any antecedent. He submitted that considering the nature of allegations, custodial interrogation at this stage is not necessary and the applicant will keep herself available during the course of investigation, trial also and will not flee from justice. He further submitted under the instructions that the applicant is ready and willing to abide by all the conditions including imposition of conditions while releasing the applicant on anticipatory bail. Learned advocate, therefore, submitted that considering the above facts, the applicant may be granted anticipatory bail.

4. Learned Additional Public Prosecutor appearing on behalf of the respondent – State has opposed grant

of anticipatory bail looking to the nature and gravity of the offence.

5. Having heard the learned advocates appearing 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) the nature and gravity of the accusation; (ii) the antecedents of the applicant including the fact as to whether she has previously undergone imprisonment on conviction by a Court in respect of any cognizable offence; (iii) the possibility of the applicant to flee from justice; and (iv) where the accusation has been made with the object of injuring or humiliating the applicant by having him so arrested. 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.
6. I have considered the following aspects.
 - (a) FIR is lodged against unknown persons, wherein the applicant is not named;
 - (b) the name of the applicant has come on surface at the time of interrogation of the co-accused, who have been apprehended during the

course of investigation and at the time of recording their statements, they have disclosed the name of the applicant;

(c) I have considered the role attributed to the present case and found that she had sold the stolen articles to the goldsmith and except this, no other incriminating material is found out against her;

(d) I have considered the recent decision of the Hon'ble Supreme Court in case of **P. Krishna Mohan Reddy**, upon which reliance has been placed by learned advocate for the applicant;

(e) there is no antecedent reported against the applicant;

7. Considering the aforesaid aspects and the law laid down by the Hon'ble Apex Court in the case of **Siddharam Satlingappa Mhetre vs. State of Maharashtra and Ors.** reported in (2011) 1 SCC 6941, wherein the Hon'ble Apex Court reiterated the law laid down by the Constitution Bench in the case of **Shri Gurubaksh Singh Sibbia & Ors.** reported in (1980) 2 SCC 665 and also the decision in the case of **Sushila Aggarwal v. State (NCT of Delhi)** reported in (2020) 5 SCC 1, I am inclined to allow the present application.

8. In the result, the present application is allowed by directing that in the event of arrest / appearance of the applicant in connection with FIR being C.R. No. 11191045250033/2025 of 2025 registered with Sola High Court Police Station,

Ahmedabad City, the applicant shall be released on bail on furnishing a personal bond of Rs.15,000/- (Rupees Fifteen Thousand Only) with one surety of like amount on the following conditions that applicant:

- (a) shall cooperate with the investigation and make herself available for interrogation whenever required;
- (b) shall remain present at the concerned Police Station on 21.07.2025 between 11.00 a.m. and 2.00 p.m. and the IO shall ensure that no unnecessary harassment or inconvenience is caused to the applicant;
- (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 her/his residence till the final disposal of the case till further orders;
- (f) shall not leave India without the permission of the Court and if having passport shall deposit the same before the Trial Court within a week;
- (g) an order of anticipatory bail does not in any manner limit or restrict the rights or duties of the police or investigative agency, to investigate into the charges against the person who seeks and is granted pre-arrest bail;

(h) It is open to the police or the investigating agency to move the learned trial Court for a direction under Section 483(2) to arrest the accused, in the event of violation of any term, such as absconding, non-cooperating during investigation, evasion, intimidation or inducement to witnesses with a view to influence outcome of the investigation or trial, etc.-

9. At the trial, the Trial Court shall not be influenced by the *prima facie* observations made by this Court while enlarging the applicant on bail.
10. Rule is made absolute to the aforesaid extent. Direct service is permitted.

(DIVYESH A. JOSHI, J.)

Gautam

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: GAUTAM G PATIL(HC00190), Principal Pvt. Secretary, at High Court of Gujarat on 14/07/2025 14:34:17