IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/CRIMINAL MISC.APPLICATION (FOR ANTICIPATORY BAIL) NO. 24323 of 2025

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SENMA MANOJBHAI GABHABHAI

Versus

STATE OF GUJARAT

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Appearance:
AMITKUMAR B PARMAR(8618) for the Applicant(s) No. 1
VINODKUMAR M MAKWANA(9530) for the Applicant(s) No. 1
MS.SHRUTI PATHAK, APP for the Respondent(s) No. 1
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CORAM:**HONOURABLE MR.JUSTICE UTKARSH THAKORBHAI DESAI**

Date : 08/12/2025

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. 11216009250593 of 2025 registered with Mansa Police Station, Gandhinagar, for the alleged offences as mentioned in the FIR.

3. Learned advocate for the applicant submits that the nature of allegations are such for which custodial interrogation at this stage is not necessary. He further

submits that the applicant will keep himself available during the course of investigation, trial also and will not flee from justice.

4. Learned advocate for the applicant on instructions states that the applicant is ready and willing to abide by all the conditions that may be imposed while releasing the applicant on anticipatory bail. Learned advocate, therefore, submitted that considering the above facts, the applicant may be granted anticipatory bail.

5. 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.

6. Having heard the learned advocates appearing for the parties and perusing the investigation papers, it is 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 he 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. I have considered the following aspects.

(a) The name of the present applicant does not reflect in the FIR. Neither any role nor any incriminating material is found against the present applicant in the FIR.

(b) The case of the prosecution qua the present applicant is based on the statement of the co-accused. There are no CDRs between the applicant and the main accused.

(c) Present applicant does not have any past antecedents. The applicant is also a handicapped person having responsibility of four family members on his shoulders.

(d) In view of such facts and circumstances of the case, present application deserves to be allowed.

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. 11216009250593 of 2025 registered with Mansa Police Station, Gandhinagar, the applicant 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 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 15.12.2025 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 his residence till the final disposal of the case;

(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) 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. It is hereby made clear that, this 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 applicant who is granted pre-arrest bail;

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

(UTKARSH THAKORBHAI DESAI, J)

ANKIT SHAH

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: ANKIT PRADIPKUMAR SHAH(HC01063), PRINCIPAL PRIVATE SECRETARY, at High Court of Gujarat on 08/12/2025 17:34:13