

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD****R/CRIMINAL MISC.APPLICATION NO. 13338 of 2019**

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REKHABEN SUDARSHANBHAI SHARMA

Versus

STATE OF GUJARAT

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Appearance:

ABHISST K THAKER(7010) for the Applicant(s) No. 1

NR ND NANAVATI, SENIOR ADVOCATE WITH MR G H VIRK(7392) for the  
Respondent(s) No. 1

MR MITESH AMIN, PP(2) for the Respondent(s) No. 1

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CORAM: **HONOURABLE MR.JUSTICE VIPUL M. PANCHOLI****Date : 31/07/2019****ORAL ORDER**

1. Rule. Learned PP Mr.Amin waives service of Rule on behalf of the respondent State.
2. The present application is filed under Section 439 of the Code of Criminal Procedure, 1973, for regular bail in connection with FIR being C.R.No.I-5 of 2019 registered with CID Crime Police Station, Gandhinagar Zone, Gandhinagar for offence under Sections 406, 409, 420, 465, 468, 471 and 120B of the Indian Penal Code and Section 13(1)(d) of Prevention of Corruption Act.
3. Learned Advocate appearing on behalf of the applicant submits that considering the nature of the offence, the applicant may be enlarged on regular bail by imposing suitable conditions.

4. Learned PP appearing on behalf of the respondent-State has opposed grant of regular bail looking to the nature and gravity of the offence.
5. Learned Advocates appearing on behalf of the respective parties do not press for further reasoned order.
6. Having heard the learned advocates for the parties and perusing the material placed on record and taking into consideration the facts of the case, nature of allegations, gravity of offences, role attributed to the accused, without discussing the evidence in detail, this Court is of the opinion that this is a fit case to exercise the discretion and enlarge the applicant on regular bail. This Court has also considered the aspects that; (i) the applicant is lady accused; (ii) the applicant is in jail since 28.6.2019; (iii) remand period is over and investigation is almost concluded qua the applicant; (iv) it is alleged that the present applicant is one of the directors of Aakash Palace Developers Ltd., as well as Chardham Developers Pvt.Ltd.; (v) it is contended by learned advocate for the applicant that on paper the applicant is director; (vi) however, the applicant had no knowledge of any business activity whatsoever; (vii) it is

submitted by learned advocate for the applicant that the applicant has been called by the investigating officer on four occasions and the applicant appeared before the investigating officer and thereby she has cooperated with the investigating agency; thereafter, she was arrested on 28.6.2019; (viii) learned advocate for the applicant has also referred to the averments made in paragraph 5 of the application wherein it is submitted that the applicant has not signed any document alleged to have been forged and she is wrongly implicated in the incident in question as the husband of the applicant is also one of the directors of the aforesaid two companies; (ix) learned advocate Mr.Thaker appearing for the applicant thereafter submitted that one lady co-accused has been enlarged on anticipatory bail by the Sessions Court vide order dated 6.7.2019; (x) similarly another co-accused is enlarged on regular bail by the sessions Court; the copies of both the orders are placed on record; (xi) at this stage, it is submitted that the aforesaid two co-accused are the directors of the main companies viz. Aatash Norcontrol Limited (ANL), Aatash Drazing and Construction Pvt.Ltd. And Aatash Computer and Communication Pvt.Ltd. (ACCPL). Thus, when

the lady accused is enlarged on anticipatory bail and another co-accused is enlarged on regular bail, this Court may consider the case of the present applicant; (xii) in view of the aforesaid submissions canvassed by learned advocate for the applicant and looking to the role attributed to the applicant and after considering the material produced on record, I am inclined to consider the case of the applicant who is lady accused.

7. This Court has also taken into consideration the law laid down by the Hon'ble Apex Court in the case of **Sanjay Chandra Vs. Central Bureau of Investigation**, reported in [2012] 1 SCC 40.
8. Hence, the present application is allowed. The applicant is ordered to be released on regular bail in connection with FIR being C.R.No.I-5 of 2019 registered with CID Crime Police Station, Gandhinagar Zone, Gandhinagar on executing a personal bond of Rs.10,000/- (Rupees Ten Thousand only) with one surety of the like amount to the satisfaction of the 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 injurious 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 between 1<sup>st</sup> to 10<sup>th</sup> day of every English calendar month for a period of six months between 11:00 a.m. and 2:00 p.m.;

[f] furnish the present 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 this Court;

9. The authorities will release the applicant only if he 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 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.

10. At the trial, the Trial Court shall not be influenced by the prima facie observations made by this Court in the present order.
11. Rule is made absolute to the aforesaid extent. Direct service is permitted.

**(VIPUL M. PANCHOLI, J)**

SRILATHA