

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD****R/CRIMINAL MISC.APPLICATION NO. 10427 of 2021****With****R/CRIMINAL MISC.APPLICATION NO. 13597 of 2021****With****R/CRIMINAL MISC.APPLICATION NO. 13637 of 2021**

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**JINAL @ JANVI D/O ANANDSINH SAMANTSINH PADHIYAR****Versus****STATE OF GUJARAT**

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**Appearance in Cr.M.A. Mo.10427 of 2021 :**

MEHUL A SURATI(7870) for the Applicant(s) No. 1

MS MOXA THAKKAR, APP (2) for the Respondent(s) No. 1

**Appearance in Cr.M.A. Mo.13597 of 2021 :**

MR RAFIK LOKHANDWALA for the Applicant(s) No. 1

MS MOXA THAKKAR, APP (2) for the Respondent(s) No. 1

**Appearance in Cr.M.A. Mo.13637 of 2021 :**

MR RAFIK LOKHANDWALA for the Applicant(s) No. 1

MR PI PATHAN for the Applicant.

MS MOXA THAKKAR, APP (2) for the Respondent(s) No. 1

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**CORAM:HONOURABLE MR. JUSTICE S.H.VORA****Date : 30/09/2021****ORAL ORDER**

1. Heard learned advocate, for the applicant and learned APP, for the respondent-State.
2. The applications are filed under Section 439 of the Code of Criminal Procedure for regular bail in connection with F.I.R. registered at C.R.No.I-11191030210016 of 2021 with Mahila West Police Station, Ahmedabad for the offences punishable under Sections 384, 388, 389, 506(1), 170, 120(B) of IPC and under sections 66(C) and 66(D) of I.T.Act.
3. Heard and examined the papers placed for consideration in support of the submission made at bar.

4. Upon hearing submission, following picture emerges on record :-

- (i) Charge sheet is filed.
- (ii) No past antecedent is registered qua the applicants.
- (iii) The applicants are female accused.
- (iv) The offences alleged against the applicants are triable by Magisterial Court and considering the pendency before the concerned Magisterial Court, there is no likelihood of commencement and conclusion of trial within near future and therefore, refusal of bail will amount to pre-trial conviction, which is prohibited by law.
- (v) The applicants have deep root in the society, no apprehension as to flee away or escape trial or tempering with the evidence /witnesses is expressed.
- (vi) In view of above position emerging at the end of hearing, the applications deserve consideration, but by imposing suitable condition to be observed by the applicants, pending investigation and trial.

5. Hence, the applications are allowed and the applicants are ordered to be released on bail in connection with F.I.R. registered at C.R.No.I-11191030210016 of 2021 with Mahila West Police Station, Ahmedabad on executing a bond of Rs.10,000/-(Rupees Ten Thousand only) each with one surety of the like amount to the satisfaction of the trial Court and subject to the conditions that the applicants 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] not leave the territory of India without prior permission of the Sessions Judge concerned;
- [d] appear before the Investigation Officer concerned, as and when required for investigation purpose and attend the Court concerned regularly.
- [e] furnish the present address of residence along with the proof to the I.O. concerned and also to the Court at the time of execution of the bond and shall not change the residence without prior permission of Sessions Court concerned;

6. The competent authority will release the applicants only if the applicants are 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 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. At the trial, the 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 applicants on bail.

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

**(S.H.VORA, J)**

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