

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**

**R/CRIMINAL APPEAL NO. 535 of 2022**  
 With  
**R/CRIMINAL APPEAL NO. 554 of 2022**  
 With  
**R/CRIMINAL APPEAL NO. 598 of 2022**  
 With  
**R/CRIMINAL APPEAL NO. 616 of 2022**  
 With  
**R/CRIMINAL APPEAL NO. 639 of 2022**  
 With  
**R/CRIMINAL APPEAL NO. 645 of 2022**  
 With  
**R/CRIMINAL APPEAL NO. 706 of 2022**

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 YAKUBBHAI IBRAHIMBHAI SHANKER  
 Versus  
 STATE OF GUJARAT  
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**Appearance in Criminal Appeal No. 535 of 2022:**

MR ASIM PANDYA, SR. ADVOCATE WITH MR M R MOLAVI(3362) for the Appellant(s) No. 1  
 MR J M PANCHAL, SR. ADVOCATE WITH MR ROMIL L KODEKAR(5127) for the Opponent(s)/Respondent(s) No. 2  
 MR MITESH AMIN, PUBLIC PROSECUTOR WITH MR L B DABHI, APP for the Opponent(s)/Respondent(s) No. 1

**Appearance in Criminal Appeal Nos. 554 of 2022, 598 of 2022, 616 of 2022, 639 of 2022, 645 of 2022 and 706 of 2022:**

MR I. H. SYED, SR. ADVOCATE WITH MR. M.R. MOLVI, WITH ANIQ A. KADRI WITH MR MUHAMMAD QUASIM VORA for the respective Appellants  
 MR J M PANCHAL, SR. ADVOCATE WITH MR ROMIL L KODEKAR(5127) for the Opponent(s)/Respondent(s) No. 2  
 MR MITESH AMIN, PUBLIC PROSECUTOR WITH MR L B DABHI, APP for the Opponent(s)/Respondent(s) No. 1

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**CORAM:HONOURABLE MR. JUSTICE NIKHIL S. KARIEL**  
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**Date : 23/08/2022**  
**COMMON ORAL ORDER**

1. Heard learned Senior Advocate Mr. Asim Pandya with learned

Advocate Mr. M.R. Molvi for the appellant in Criminal Appeal No. 535 of 2022, learned Senior Advocate Mr. I.H. Syed with learned Advocates Mr. M.R. Molvi, Mr. Aniq A. Kadri, and Mr. Muhammad Quasim Vora for the appellants in Criminal Appeal Nos. 554 of 2022, 598 of 2022, 616 of 2022, 639 of 2022, 645 of 2022 and 706 of 2022, learned Public Prosecutor Mr. Mitesh Amin with learned APP Mr. L.B. Dabhi for the respondent-State and learned Senior Advocate Mr. J. M. Panchal with learned Advocate Mr. Romil L. Kodekar for the respondent No.2-first informant.

2. By way of these appeals, under Section 14-A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 read with Section 439 of the Code of Criminal Procedure Code, 1973, the appellants pray for being released on regular bail in connection with **FIR being C.R. No. 11199003211359 of 2021 registered on 15.11.2021 with the Amod Police Station, District Bharuch**, for the offences punishable under Sections, 120(B), 153(B)(C), 153(A)(1), 295(A), 506(2), 466, 467, 468 and 471 of the Indian Penal Code (for short “the IPC”), under Sections 4, 5 and 4(C) of the Gujarat Freedom of Religion Act, 2003 (for short “the Act”), under Sections 3(2)(v-a) and 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act (for short “Atrocities Act”) and under Section 84 of the Information Technology Act.

3. Learned Senior Advocates Mr. Asim Pandya and Mr. I.H. Syed appearing on behalf of the respective appellants would submit that the allegations against the appellants pertain to a period from the year 2006 onwards and whereas the FIR has been registered in the month of November, 2021. Learned Senior Advocates would submit that the allegations against the present appellants pertain to commission of offences with regard to giving allurements for conversion of various persons including the first informant from one religion to another. Learned Senior Advocates would submit that though the incidents as alleged in the FIR relate to a period from 2006 onwards and whereas such allegations have been made by the first informant as if he had witnessed all the incidents, the first informant had himself converted only in the year 2018.

3.1 Learned Senior Advocates would further submit that so far as the appellants in Criminal Appeal Nos. 535 of 2022, 554 of 2022, 598 of 2022, 616 of 2022, and 639 of 2022 are concerned, allegations against them are for offence punishable under Section 4 of the Gujarat Freedom of Religion Act, 2003, which states with regard to punishment for contravention of Section 3 of the Act, more particularly when a person belongs to the Scheduled Tribes. Learned Senior Advocates would further submit that maximum punishment envisaged for offence punishable under Section 3, as per Section 4 of the Act, is for a period of four years. Learned Senior Advocates

would further submit that while the Investigating Officer has filed the charge-sheet, there is no allegation found against the appellants of the said appeals which would correspond to an offence under Section 4(C) of the Act, that is, when a institution or an organization contravening the provisions of Section 3 of the Act, which carries a maximum punishment for ten years. It is further submitted that except for offences punishable under Sections 466, 467, 468 and 471 of the Indian Penal Code, all other offences are punishable with a maximum imprisonment for three years. It is further submitted that insofar as offence of forgery as alleged, the same is with regard to allegation that the Adhar Cards and some other receipts had been forged. It is submitted in this regard that there is no material in the charge-sheet which would show that by the alleged forgery any undue advantage had been conferred. Learned Senior Advocates would further submit that insofar as the allegation of commission of offence under the Atrocities Act is concerned, the allegation is that the appellants have committed offence punishable under Section 3(2)(v-a) and 3(2)(v). Learned Senior Advocates would submit that insofar as offence punishable under Section 3(2)(v) of the Atrocities Act is concerned, the same relates to a person committing an offence under the Indian Penal Code for which imprisonment would be 10 years or more knowing that the person is a member of Scheduled Tribe and in such case, the person concerned shall be

punishable with imprisonment for life and fine. It is submitted by learned Senior Advocates that the only offence which is punishable with imprisonment upto 10 years is the offence punishable under Section 467 of the Indian Penal Code and whereas since there is no material, even prima facie, to show the commission of offence under Section 467 of the Indian Penal Code, therefore the provisions of Section 3(2)(v) would not be invoked. Furthermore, insofar as the Section 3(2)(v-a) of the Atrocities Act is concerned, it is submitted that the said section inter alia states with regard to a scheduled offence being committed against member of Scheduled Tribe, then including punishment for the scheduled offence, the offender shall also be liable to fine. Learned Senior Advocates would submit that since the said section inter alia states only with regard to fine, therefore the same cannot be relied upon independently as an offence for denying bail.

3.2 Learned Senior Advocates for the appellants would further submit that the FIR does not specifically state any proximate cause for filing of the FIR and further considering the fact that the allegation with regard to commission of alleged offences are belated in nature as also considering the fact that the allegation against the appellants corresponds to an offence punishable under Section 4 of the Act and for contravention of Section 4, punishment of maximum imprisonment of four years is prescribed, and also considering that the Investigating Officer has filed the charge-sheet and

whereas the present appellants are in custody since last more than eight months, this Court may be pleased to exercise discretion in favour of the appellants and enlarge the appellants on regular bail and whereas the appellants are ready and willing to comply with any stringent conditions as may be deemed appropriate by this Court.

3.3 Learned Senior Advocate Mr. Syed for the appellants would submit that insofar as the appellants of Criminal Appeal No. 706 of 2022 being accused Nos. 8 and 9 and appellant of Criminal Appeal No. 645 of 2022 being accused No. 10 are concerned, the only difference between the said appellants and the other appellants being that an additional allegation of committing an offence punishable under Section 4(C) of the Gujarat Freedom of Religion Act, 2003, has been levelled against them. It is submitted that offence punishable under section 4(C) inter alia states with regard to contravention of the provisions of Section 3 which states with regard to conversion or attempt to convert persons from one religion to another using force or allurement, and whereas according to section 4(C), such contravention is by an institution or organization and whereas any person who was in charge or responsible for such organization shall be punished with imprisonment which shall not be less than 3 years but which can extend upto 10 years and was also be liable for fine upto Rs. 5,00,000/-.

It is submitted by learned Senior Advocate Mr. Syed that insofar as the appellants of Criminal Appeal No. 706 of 2022 are concerned, they are office bearers i.e. Vice President and President of one Baitulmal Trust which is alleged to have contravened the provisions of Section 3. It is submitted by learned Senior Advocate that the main allegation is of receiving an amount of Rs. 3,71,000/- from one Salauddin Shaikh for the purpose of the conversion. Learned Senior Advocate would submit that there is no material to show that the said amount had been used for any illegal activity and whereas it is attempted to be submitted that the moneys which had been received by the Trust, has been used for various charitable purposes including giving assistance to widows, granting scholarship to students and giving money to poor and needy persons for the purpose of buying medicines. Having regard to such submissions, learned Senior Advocate would request, more particularly considering the fact that the appellants have been in custody since December, 2021, to release them on regular bail.

Insofar as the appellant of Criminal Appeal No. 645 of 2022 is concerned, it is submitted by learned Senior Advocate Mr. Syed that while the said appellant is not named in the FIR, he has been joined as an accused in the charge-sheet and the allegations against the appellant inter alia being that he was President of one Almaheebub Trust, which had contravened the

provisions of section 4(C) of the Gujarat Freedom of Religion Act. Learned Senior Advocate would submit that except for such an allegation in the charge sheet, there is no material to show that the said Trust had in any manner indulged in any activity which could be stated to be in contravention of Section 4(C). It is further submitted that since allegations against the said appellant being similar to the allegations levelled against other accused, and since no clear case of contravention of Section 4(C) is even prima facie made out and considering the fact that the appellant is in custody since December 2021, this Court may release the appellant on regular bill.

4. As against the same, learned Public Prosecutor Mr. Mitesh Amin with learned APP Mr. L.B. Dabhi appearing for the respondent-State would vehemently oppose the present appeals. Insofar as the Criminal Appeal Nos. 535 of 2022, 554 of 2022, 598 of 2022, 616 of 2022, and 639 of 2022 are concerned, learned Public Prosecutor Mr. Amin would submit that very serious allegations have been made against the appellants that the appellants have allegedly allured persons belonging to the Scheduled Tribes category to convert them from one religion to another. It is submitted that the conversion was a pre-planned conspiracy. It is submitted that the appellants had, after alluring the persons belonging to the Scheduled Tribes category by giving them various offers, managed to convert the persons from the Hindu religion to the Muslim religion. It is also submitted that the persons,



who otherwise were not connected with the District in question, were travelling to the said District for the purpose of trying to convert the persons belonging to the Scheduled Tribes category. It is also submitted that after the investigation, the Investigating Officer had submitted the charge-sheet, wherein there is enough material collected by the Investigating Officer against the appellants herein. It is further submitted that insofar as the allegation of forgery is concerned, the same relates to preparing of Adhar Cards etc. and whereas it is submitted that it would only be possible after trial, to come to a conclusion as to whether the appellants had gained anything from the forgery in question. Learned Public Prosecutor would further submit that having regard to the allegations levelled against the appellants and the material which was gathered by the Investigating Officer which is part of the charge-sheet, since there is prima facie material to show that the appellants might have committed the crime as alleged, and therefore this Court may not exercise discretion in favour of the appellants.

4.1 Insofar as the appellants of Criminal Appeal Nos. 706 of 2022 and 645 of 2022, learned Public Prosecutor Mr. Amin would submit that in addition to there being similar allegations as made against other co-accused, insofar as they said accused are concerned, there is an allegation of having committed offence punishable under Section 4(C) of the Act, more particularly appellants being responsible persons of one Baitulmal Trust and

Almahebab Trust, and the said Trusts having indulged in such activities and considering period of imprisonment i.e. minimum being three years which could go upto 10 years, it is requested that this Court may not grant any indulgence to the said appellants.

Learned Public Prosecutor Mr. Amin would also submit that insofar as the appellants of Criminal Appeal No. 706 of 2022 are concerned, the Trust being managed by them i.e. Baitulmal Trust had received an amount of Rs. 49,71,400/- from the year 2018 till filing of the charge-sheet. Learned Public Prosecutor would submit that inflow of the money to the Trust is such that it raises suspicion about the nature of transaction. It is submitted that from the year 2017 till the charge-sheet was filed, there were around 48 transactions where cash amount less than Rs. 50,000/- i.e. amounts of Rs.49,500/- and Rs.49,000/- were deposited to ensure that such transactions do not require Banks KYC requirements. It is also submitted that the payments have been made by the Trust to various individuals and whereas in all probability much of the transactions were for the purpose of alluring persons to convert from one religion to another. Learned Public Prosecutor would submit that whether such amounts were used to aid conversion or not, would be a matter, which would be decided at the stage of trial and whereas since the gravity of the offence is quite serious and since the role attributed to the appellants who have prima facie contravened the

provisions of Section 4(C) of the Gujarat Freedom of Religion Act, which carries punishment for imprisonment upto 10 years, it is submitted by learned Public Prosecutor that no indulgence may be granted by this Court.

5. These appeals are vehemently opposed by learned Senior Advocate Mr. J.M. Panchal with learned Advocate Mr. Romil Kodekar appearing for the respondent No.2-first informant. Learned Senior Advocate Mr. Panchal has, at the outset, drawn the attention of this Court to Section 15A of the Atrocities Act and would submit that the said provision inter alia envisages that the victim or his dependent shall be entitled to be heard at any proceedings under the Atrocities Act. Learned Senior Advocate would submit that in the instant case, apart from the first informant, around 15 persons have been named as being victims and whereas all such victims would be required to be heard, before this Court may pass any order in the bail application. Learned Senior Advocate would further submit that the allegations in the FIR and the material collected by the Investigating Officer would show that the allegations against the appellants are for committing offence against the society. Learned Senior Advocate would submit that the accused being rich and influential persons had committed offence against the persons belonging to the Scheduled Tribes category who otherwise were not very well off. Learned Senior Advocate would submit that punishment for the offences would not be sole consideration and whereas that may be

one of the considerations which may weigh with the Court and whereas according to the learned Senior Advocate, the manner in which the offence is committed and the role attributed to the accused would be the paramount consideration.

5.1 Learned Senior Advocate Mr. Panchal would further submit that from the FIR as well as the material collected by the Investigating Officer, it would appear that as if there is a systematic crusade against the Hindu Religion and whereas there is a clear attempt by the accused of depicting the Gods of one religion in bad light. Learned Senior Advocate would further submit that there are also allegations that the accused have threatened/intimidated the first informant and or witnesses and whereas releasing of the appellants would result in adverse consequences. Learned Senior Advocate would further submit that the attempts on the part of the accused were nothing but an attempt to disturb the social structure of the country and whereas having regard to the same, it is submitted that the appellants may not be released on regular bail by this Court.

6. In rejoinder, learned Senior Advocates for the appellants would submit that insofar as the Atrocities Act is concerned, while it requires that the complainant or the victim is required to be heard, but in the instant case, the first informant who himself is alleged victim is being represented by a

learned Advocate and whereas other persons named in the body of the FIR may not be required to be heard because they would not be victims per se, since they have never complained against any alleged incident as attempted to be made out by the first informant. It is further submitted that since the cause has been espoused by the first informant and since the first informant is being heard by this Court, therefore the provisions of the Atrocities Act are sufficiently complied with. Learned Senior Advocates at this stage would rely upon the Section 3(A) of the Gujarat Freedom of Religion Act, 2003 and would submit that the said Act inter alia requires that an FIR may be lodged for offence punishable under the said Act, either by person aggrieved or his parents, brother, sister or any other person related by blood, marriage or adoption. It is submitted in this regard that while the first informant alleges about contravention of provisions of the Act against himself, he has also made allegations for contravention of the Act against many other persons and while doing so, the first informant has not stated as to in which capacity he could raise such an issue, and whereas even in the charge-sheet the Investigating Officer has also not clarified this aspect. Learned Senior Advocates would therefore submit that insofar as the commission of the alleged offences against the other victims are concerned, considering the ambit of Section 3(A) of the Atrocities Act, this Court may not require all persons named as victims in the FIR to be heard.

7. Heard learned Senior Advocates Mr. Pandya and Mr. Syed for the appellants, learned Public Prosecutor Mr. Amin for the respondent-State and learned Senior Advocate Mr. Panchal for the first informant and perused the material on record as well as the investigation papers.

8. In this considered opinion of this Court, a detailed discussion and evaluation of the material may not be required and whereas for consideration of the these appeals, the following relevant aspects have been taken into consideration by this Court :

[1] The primary allegation against the appellants is of having contravened the provisions of Section 3 of the Gujarat Freedom of Religion Act, 2003, which prohibits conversion of persons from one religion to another by force or allurement.

It requires to be mentioned here that while there is existence of material suggesting allurement, there does not appear to be existence of any material which would suggest conversion by use of force.

[2] Insofar as the submission of learned Senior Advocate Mr. J.M.Panchal for the first informant as regards requirement of hearing all the victims is concerned, in the considered opinion of

this Court, while there are allegations with regard to commission of offence punishable under Sections 3(2)(v-a) and 3(2)(v) of the Atrocities Act, but at the same time, there does not appear to be any material/allegation, whereby it could be considered that any of the offences alleged to have been committed, were committed on account of the status of the first informant or the other victims as named in the FIR being the persons belonging to the Scheduled Tribes category.

Having regard to the above position, in the considered opinion of this Court, there may not be any requirement for hearing all the persons named as victims in the FIR by the first informant, more particularly since the first informant himself is being heard by this Court through his learned Advocate in these appeals.

[3] It also requires to be noted that having regard to the requirement of Section 3(A) of the Gujarat Freedom of Religion Act, there does not appear to be any material to show that the first informant could have complained of any contravention of the said Act with regard to person/s other than himself.

[4] Insofar as the allegations with regard to offence punishable under Sections 466, 467, 468 and 471 of the Indian Penal

Code are concerned, the same would correspond inter alia to the alleged acts of the appellants of getting the Adhar Cards in the name of the victims after conversion and getting such names entered in the electoral roll.

[5] It would be required to be noted that no material has been found after the investigation, which would reveal that the appellants, by such acts of alleged forgery, had either gained anything or had caused any correspond loss to any person, including the State, except for whatever such person/s would be otherwise entitled to.

[6] It would also be required to be observed that there is no material to show that the persons in whose names allegedly forged Adhar Cards were prepared or on basis of which names were entered into the electoral roll, had also gained any undue advantage or any correspond loss had been caused to the State on account of such acts.

[7] It also requires to be noted that insofar as the other alleged offences are concerned, they are punishable with imprisonment for a term extending upto three years.



[8] It, thus, appears that the main substantive offence which is alleged against the appellants is punishable under Section 4 of the Gujarat Freedom of Religion Act, which carries a maximum imprisonment of four years.

[9] It also requires to be mentioned here that insofar as the appellants of Criminal Appeal Nos. 535 of 2022, 554 of 2022, 598 of 2022, 616 of 2022, and 639 of 2022 are concerned, it does not appear that there is any allegation with regard to commission of offence punishable under Section 4(C) of the Gujarat Freedom of Religion Act.

[10] Insofar as the appellant of Criminal Appeal No. 645 of 2022 is concerned, while the allegation against the said appellant in the charge-sheet inter alia being that said appellant was President of a Trust i.e. Almahebab Trust which had contravened the provisions of Section 4(C) of the Gujarat Freedom of Religion Act, it appears that while the charge-sheet inter alia makes such an allegation with regard to offence punishable under Section 4(C), but there is no material in the entire charge-sheet which would show that the Trust in question had in any manner indulged in the activity of conversion. Furthermore, as far as the allegations other than the allegation of

committing offence under Section 4(C) are concerned, they are in nature of allegations levelled against other accused, which have been dealt with by this Court hereinabove, and whereas since there is no material for the alleged offence punishable under Section 4(C) of the Gujarat Freedom of Religion Act, the case of the appellant also deserves consideration.

[11] Having regard to the same and further considering the fact that the appellants are in custody since around eight months and charge-sheet has already been filed, in the considered opinion of this Court, this is a fit case where discretion could be exercised in favour of the appellants of Criminal Appeal Nos. 535 of 2022, 554 of 2022, 598 of 2022, 616 of 2022, 639 of 2022 and 645 of 2022.

[12] Insofar as the appellants of Criminal Appeal No. 706 of 2022 are concerned, the appellants are Vice President and President, respectively of one Baitulmal Trust. It appears that said Trust had received an amount of approximately Rs.50,00,000/- in donation from the year 2017 to the year 2022. It also appears that major part of the donation was by way of cash deposit in the account of the Trust and whereas, in respect of around 48 transactions, all amounts were less than Rs.50,000/- i.e. Rs.49,500/- or Rs. 49,000/-, as the

case may be, and such amounts being deposited would not be required to comply with the KYC requirements since the same would be triggered only upon the amount deposited is Rs. 50,000/- or above. It also appears that money has been distributed by way of donation and whereas it is the submission on behalf of the State that such amounts in all probability have been used for the purpose of alluring persons for adding and abetting conversion. Having regard to the same, more particularly considering the fact that offence punishable under Section 4(C) carries punishment of imprisonment upto 10 years, coupled with the fact that there is prima facie material in support of the allegation that the appellants had aided and abetted in alluring persons of one religion to convert to another religion. Thus, considering the nature of allegations and the role attributed to the present appellants as also the probable punishment, in the considered opinion of this Court, the appellants ought not to be released on regular bail.

9. Insofar as the appellants in Criminal Appeal Nos. 535 of 2022, 554 of 2022, 598 of 2022, 616 of 2022, 639 of 2022 and 645 of 2022 are concerned, having regard to the above aspects, more particularly aspects No. 1 to 11, and taking into consideration the law laid down by the Hon'ble

Apex Court in the case of **Sanjay Chandra v. Central Bureau of Investigation reported in [2012] 1 SCC 40** as also considering the submissions made by learned Public Prosecutor Mr.Amin for the respondent-State and learned Senior Advocate Mr. Panchal for the first informant and further considering the nature of allegations against the appellants, more particularly the allegations where the appellants have allegedly allured persons belonging to the Scheduled Tribes category to convert from one religion to another, while releasing the said appellants on regular bail, this Court deems it appropriate to impose certain strict and stringent conditions on the appellants, hence, following order is passed :

**ORDER IN CRIMINAL APPEAL Nos. 535 of 2022, 554 of 2022, 598 of 2022, 616 of 2022, 639 of 2022 and 645 of 2022 :**

10. These appeals are allowed. The appellants are ordered to be released on bail in connection with **FIR being C.R. No. 11199003211359 of 2021 registered on 15.11.2021 with the Amod Police Station, District Bharuch**, on executing a bond of Rs.25,000/- (Rupees Twenty Five Thousand only) each with one surety of the like amount to the satisfaction of the trial Court and subject to the conditions that they 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 the State of Gujarat without prior permission of the Sessions Judge concerned;
- [e] furnish the present address of residence to the I.O. and also to the Court at the time of execution of the bond and shall not change the residence without prior permission of the Sessions Court;
- [f] **not enter in the limits of Bharuch District till the deposition of the first informant is over, except for attending the Trial Court;**
- [g] **shall also furnish the address of residence outside Bharuch District, where they would be residing during the said period, to the I.O. and also to the Court at the time of execution of the bond and shall not change the residence without prior intimation to the Investigating Officer concerned;**
- [h] **mark their presence once in every fortnight for a period of next 12 months at the nearest Police Station of their place of stay, when they would be staying out of Bharuch District. The nearest Police Station to be decided by the learned Trial Court, based upon the residential address outside Bharuch District furnished by the appellants.**

11. The Authorities will release the appellants only if they 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 issue warrant or take appropriate action in the matter.

12. 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.

13. At the stage of trial, the trial court shall not be influenced by any observations of this Court which are of preliminary nature made at this stage, only for the purpose of considering the appeals of the appellants for being released on regular bail.

14. The appeals are allowed in the aforesaid terms. Direct service is permitted.

**ORDER IN CRIMINAL APPEAL No. 706 of 2022 :**

15. Insofar as the appellants in Criminal Appeal No. 706 of 2022 are concerned, having regard to the above discussion and finding, and considering the above aspects, more particularly the aspect No.12, this Court is not inclined to grant regular bail to the said appellants, and hence, the **Criminal Appeal No.706 of 2022 is hereby dismissed.**

**(NIKHIL S. KARIEL,J)**