

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/CRIMINAL MISC.APPLICATION NO. 8507 of 2020

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RAVI S/O. VINOD GUPTA & 32 OTHERS
Versus
STATE OF GUJARAT

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Appearance:

MR NIRAV R MISHRA, ADVOCATE for the Applicants

MR MITESH AMIN, PUBLIC PROSECUTOR with
MR HARDIK SONI, APP for the Respondent-STATE

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CORAM:HONOURABLE MR. JUSTICE PARESH UPADHYAY

Date : 23/06/2020

ORAL ORDER

1. This application is filed under Section 439 of the Code of Criminal Procedure, 1973 for regular bail in connection with C.R.No.11191020201055 of 2020 registered with Vastrapur Police Station, District : Ahmedabad for the offences punishable under Sections 143, 144, 147, 148, 149, 186, 332, 333, 336, 337, 427 and 188 of the Indian Penal Code and Section 135(1) of the Gujarat Police Act, Section 3 of the Epidemic Act, 1897, Section 51(b) of the Disaster Management Act and Section 3(1) and 3(2)(e) of the Prevention of Damage to Public Property Act.

2. Rule. Learned Additional Public Prosecutor waives service of notice of rule for the State.

3. Heard learned advocate for the applicants and the learned Public Prosecutor through Video Conferencing.

4. Learned advocate for the applicants has submitted that, of the total 33 applicants, 32 are from the State of Jharkhand and one is from the State of West Bengal. All the applicants had come to Ahmedabad for labour work and were working at the construction site of New IIM building at Vastrapur, Ahmedabad. It is submitted that in the lockdown, the applicants were without any work, without any money and even without any food and under these circumstances, they wanted to go back their home, which led to the alleged untoward incident on 18.05.2020, which led to registration of the offence in question, wherein as many as 35 persons are named as accused. It is submitted that, the applicants are in jail since 18.05.2020 and they be granted bail.

5. Learned Public Prosecutor for the State has submitted that considering the totality, appropriate order be passed by the Court.

6. Having heard learned advocates for the respective parties and having considered the material on record, this Court finds that, this is the fit case to exercise the discretion to release the applicants on bail, in exercise of powers under Section 439 of the Code of Criminal Procedure, 1973.

7. It is noted that, in the lockdown, when the applicants were without any work, without any money and even without any food and under such circumstances, instead of arranging

of their going back home, they are sent to jail. The Applicants are more the victims, certainly not the criminals. They need not be continued in custody any further. They need to be set free immediately, on furnishing their personal bond, without any further condition.

8. In view of above, the following order is passed.

8.1 This application is allowed.

8.2 All the applicants are ordered to be released on regular bail in connection with C.R.No.11191020201055 of 2020 registered with Vastrapur Police Station, District : Ahmedabad on their executing personal bond of Rs.500/- (Rupees Five Hundred only), each.

8.3 Rule is made absolute in above terms.

(PARESH UPADHYAY, J)

ALI ISTAYAK/BHATI/01

THE HIGH COURT
OF GUJARAT

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