

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CRIMINAL MISC.APPLICATION NO. 21621 of 2022**

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RAMAN PILLAI BHASKAREN NAIR SREEKUMAR (R. B. SREEKUMAR)
Versus
STATE OF GUJARAT

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Appearance:

MR YOGESH RAVANI, WITH MR KALPESH N SHASTRI(1739) for the
Applicant(s) No. 1

MR MITESH AMIN PP WITH MR HARDIK SONI APP for the Respondent(s)
No. 1

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CORAM:HONOURABLE MR. JUSTICE ILESH J. VORA

Date : 04/08/2023

ORAL ORDER

- 1.** By this successive bail application filed under Section 439 of the Code of Criminal Procedure, the applicant - accused seeks regular bail in connection with **FIR being CR No. 11191011220087 of 2022 registered with DCB Police Station, Ahmedabad City**, for the offences punishable under Sections 468, 469, 471, 194, 211, 218, 120B of the Indian Penal Code.
- 2.** Brief facts leading to file this present bail application are that, the riots took place in the year 2002 in the Gujarat Region, the Special Investigating Team (SIT) was constituted by the Gujarat Government and on 08.02.2012, SIT filed its closure report before the

Magisterial court and same was challenged by filing Criminal Revision Application before the High Court of Gujarat, and same came to be rejected on 05.10.2017 confirming the order of the learned Magistrate dated 26.12.2013. Against which, Special Leave Petition (Cri) was filed before the Supreme Court. The Special Leave Petition was dismissed by the Supreme Court on 24.06.2022. Pursuant to the observations made by the Apex Court, the aforesaid FIR came to be registered against one Sanjiv Bhatt, R.B. Shreekumar - the applicant herein and Ms. Teesta Setalvad. It is the case of the prosecution that, the accused and others have had conspired to abuse the process of law by fabricating false evidence to make several persons to be convicted for an offence of capital punishment, thereby, they committed an offence under Section 194 of the Indian Penal Code. It is further alleged that, the accused instituted false and malicious criminal proceedings against the innocent persons with intent to cause injury to them and had prepared false records to execute the alleged conspiracy. The FIR came to be lodged on 25.06.2022. The applicant has been apprehended on 25.06.2022. After rejection of his regular bail application, the applicant came before this Court, seeking regular bail in the offence and was granted interim bail on 28.09.2022 and

same was extended from time to time. Meanwhile, after completion of the investigation, chargesheet for the aforesaid offences came to be filed on 04.10.2022.

- 3.** Mr. Yogesh Ravani, learned counsel appearing for the applicant has submitted that, the accused - Ms. Teesta Setalvad has been considered and granted bail by the Apex Court and while granting the bail, the Apex Court, has observed that, the entire prosecution case is based on the documentary evidence and same is in the custody of the Investigating Agency and considering the fact of filing of chargesheet, she is entitled for the bail. He would further submit that, the applicant is retired IPS officer and presently his age is about 75 years also and is suffering from age related ailments. He would further submit that, the applicant has complied with the conditions of the interim bail and nothing happened during said period and therefore, when the further custody of the applicant is not necessary and trial would take considerable time, keeping the applicant behind the bar would serve no fruitful purpose.
- 4.** Mr. Ravani, learned counsel in the aforesaid facts, submitted that, the application may be allowed and

applicant be enlarged on bail with the appropriate conditions.

5. On the other hand, opposing the contentions Mr. Mitesh Amin, learned Public Prosecutor has submitted that, the offence alleged is very heinous crime and there is a prima-facie case against the applicant and therefore, the role attributable to present applicant herein and evidence in support of charge, the judicial discretion may not exercise.
6. Having heard the learned counsel for the respective parties and perusal of the case papers, this Court is of the considered view that, the entire case is base on documentary evidence and now same is in the custody of the investigating agency. The applicant aged about 75 years, is suffering from age related ailments and nothing reported against him that he has misused his liberty during the interim bail. Thus, when the co-accused has been considered by the Apex Court and considering the role attributable to present applicant herein and for the above reasons, I am inclined to release the applicant on bail.
7. Hence, the applicant is ordered to be released on regular bail in connection with the **FIR being CR No. 11191011220087 of 2022 registered with DCB**

Police Station, Ahmedabad City. As the applicant is already on interim bail, therefore, no need to surrender before the jail authority. He has been directed to remain present before the trial Court on **17.08.2023** and furnish his personal bond of Rs.25,000/- (Rs. Twenty Five Thousand only). If not surrender, the applicant shall surrender his passport before the court concerned and furnish latest address with mobile number and shall mark his presence before the trial court and cooperate with the trial Court and shall not make any attempt to influence the witnesses. In case of any breach of the aforesaid conditions, it is left open for the Investigating Agency to move before the trial court for cancellation of the bail. The jail authority as well as the trial Court shall act upon the downloaded copy of this order. **Direct service permitted.**

P.S. JOSHI

(ILESH J. VORA,J)