



ITEM NO.13

COURT NO.4

SECTION II-B

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (CrI.) No(s).4307/2024

(Arising out of impugned final judgment and order dated 09-02-2024 in CRLMA No.756/2024 passed by the High Court of Gujarat at Ahmedabad)

ALEPKHAN HAMIRJI JAT MALEK

Petitioner(s)

VERSUS

STATE OF GUJARAT

Respondent(s)

(IA No.71866/2024-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.71867/2024-EXEMPTION FROM FILING O.T. and IA No.71868/2024-PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 18-07-2024 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SURYA KANT
HON'BLE MR. JUSTICE UJJAL BHUYAN

For Petitioner(s) Mr. Somesh Chandra Jha, AOR
Ms. Pyoli, Adv.
Mr. Shrey Saini, Adv.
Mr. Shakil Y. Makwana, Adv.
Mr. Akash Kishore, Adv.
Mr. Animesh Rajoriya, Adv.

For Respondent(s) Ms. Archana Pathak Dave, Sr. Adv.
Ms. Swati Ghildiyal, AOR
Ms. Devyani Bhatt, Adv.
Ms. Neha Singh, Adv.

UPON hearing the counsel the Court made the following
O R D E R

1. Heard learned counsel for the petitioner as well as learned Senior Counsel for the respondent - State and carefully perused the material placed on record.

2. The petitioner seeks enlargement on bail in FIR bearing C.R.No.11211058220229/2022, lodged under Sections 302, 114 IPC read with Section 135 of the Gujarat Police Act, 1951.

3. The complainant has alleged that he received a phone call from his brother - Sardarkhan (since deceased) that he is stabbed by the petitioner's son (Mirzan) near the slope of the lake. The complainant rushed to the spot and saw the petitioner and his son coming from the opposite direction and going towards the village. On reaching the spot of occurrence, the complainant saw his brother in blood, with two stab wounds to the left side of the chest. Complainant's brother told him that he was stabbed by Mirzan and he was caught hold by the petitioner. The motive behind this fatal attack was a fight ensued between Mirzan and the deceased three days before the incident.

4. The petitioner was arrested on 15.11.2022. The trial has commenced and out of 39, one witness, namely, the complainant has been examined.

5. The conclusion of trial will take some reasonable time and the petitioner is in custody for more than one year and eight months. His son, who is stated to have caused the fatal injury to the deceased, is also in custody. The role attributed to the petitioner is that he caught hold the deceased. The nature and gravity of allegations attributed to the petitioner are, thus, distinct and different from those alleged against the petitioner's son.

6. Taking into consideration the totality of circumstances, however, without expressing any views on the merits of the case, we are inclined to grant bail to the petitioner herein. The petitioner is, accordingly, directed to be enlarged on bail subject to his furnishing bail bonds to the satisfaction of the Trial Court.

7. In addition to the conditions that may be imposed by the Trial Court while releasing the petitioner on bail, it is directed that (i) the petitioner shall remain present before the Trial Court on each and every date of hearing and his absence will amount to misuse of concession of bail granted to him today by this Court; (ii) the petitioner shall not contact any witness and shall not make any direct or indirect attempt to influence the witnesses and/or tamper with the evidence; and (iii) the petitioner shall

not leave the State of Gujarat without prior permission of the Trial Court.

8. The Trial Court shall make an endeavour to conclude the trial as early as possible, and preferably within one year from the date of receipt/production of a copy of this order.

9. The Special Leave Petition stands disposed of in the above terms.

10. As a result, the pending interlocutory applications also stand disposed of.

(SATISH KUMAR YADAV)
ADDITIONAL REGISTRAR

(PREETHI T.C.)
ASSISTANT REGISTRAR