



IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.1217 OF 2023
(ARISING OUT OF SLP (CRIMINAL) NO.3420 OF 2023)

SAURABHBHAI KAMLESHKUMAR SHAH

....APPELLANT(S)

VERSUS

THE STATE OF GUJARAT

....RESPONDENT(S)

O R D E R

Leave granted.

By the impugned order, the High Court has rejected the application filed under Section 439 of the Code of Criminal Procedure, 1973 (Cr.P.C.). There is no dispute that the case involves death of the seven workers engaged by the appellant. The appellant has been charged under Sections 114, 304, and 304A of the Indian Penal Code, 1860 (IPC).

We heard the learned senior counsel for the appellant and learned counsel for the respondent-State.

It is not in dispute that charge sheet has been filed. It is pointed out by the learned senior counsel for the appellant that a total of 51 witnesses are proposed to be examined by the prosecution. The appellant has been in custody since 14.09.2022. We would think that in the facts of the case, the appellant has made out a case, subject to what we say further, for grant of bail. We are of the view in the facts of this case that while the appellant should be enlarged on bail, it should be subject to certain conditions. One of the condition shall be that the appellant shall

pay a sum of Rs.10,00,000/- (Rupees Ten Lakhs) to the legal representatives of each of the seven workers who died in the incident. According to the appellant, a sum of Rs.15,00,000/- (Rupees Fifteen Lakhs) has been paid to each worker by the group companies of which the appellant is a Contractor by making payment to the each of the seven workers. Further a sum of Rs.3,00,000/- (Rupees Three Lakhs) has been paid by the respondent-State making it a total of Rs.18,00,000/- (Rupees Eighteen Lakhs). It is pointed out by the learned counsel for the respondent-State that actually Rs.10,00,000/- (Rupees Ten Lakhs) out of Rs.15,00,000/- (Rupees Fifteen Lakhs) has been deposited before the Authority under the Employees Compensation Act.

We are of the view that the appellant shall be enlarged on bail, subject to the condition that the appellant will pay a further sum of Rs.10,00,000/- (Rupees Ten Lakhs) to the legal representatives of each of the seven workers who died in the incident and the amount is to be paid in two installments, as we shall make clear.

Accordingly, the appeal is allowed. The appellant shall be enlarged on bail. This is subject to the condition(s) as may be imposed by the Trial Court. It will also be subject to the condition that the appellant will pay a sum of Rs.5,00,000/- (Rupees Five Lakhs) within a period of two weeks from today to the legal representatives of each of the seven workers who have died in the incident. It is subject to further condition that the appellant will pay a further sum of Rs.5,00,000/- (Rupees Five Lakhs) more to the legal representatives of each of the seven workers within a

period of five weeks from today. The grant of bail will be subject to any other conditions which may be fixed by the trial court. One of the condition that the trial court shall impose shall be that the appellant shall not in any way attempt to influence any of the witnesses proposed to be examined by the prosecution.

We clarify that the appellant shall be released on bail actually only on payment of the first installment of Rs.5,00,000/- (Rupees Five Lakhs) within a period of two weeks from today. It will undoubtedly be subject to the further condition that the appellant will pay the remaining amount of Rs.5,00,000/- (Rupees Five Lakhs) within the period of five weeks from today, failing which the appellant will forfeit the benefit of this order. We make it clear that the aforestated amount, in two installments, shall be deposited before the Trial Court and the Trial Court will disburse the amounts to the legal representatives of each of the seven workers who died in the incident.

Pending application(s), if any, stand disposed of.

.....J.
[K. M. JOSEPH]

.....J.
[B. V. NAGARATHNA]

New Delhi
Dated; 21st April, 2023.

ITEM NO.5

COURT NO.3

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). 3420/2023

(Arising out of impugned final judgment and order dated 23-12-2022 in CRLMA No. 22476/2022 passed by the High Court of Gujarat at Ahmedabad)

SAURABHBHAI KAMLESHKUMAR SHAH

PETITIONER(S)

VERSUS

THE STATE OF GUJARAT

RESPONDENT(S)

(FOR ADMISSION and I.R. and IA No.53249/2023-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.53250/2023-EXEMPTION FROM FILING O.T.)

Date : 21-04-2023 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE K.M. JOSEPH
HON'BLE MRS. JUSTICE B.V. NAGARATHNA

For Petitioner(s) Mr. Siddhartha Dave, Sr. Adv.
Mr. Pradhuman Gohil, Adv.
Mrs. Taruna Singh Gohil, AOR
Ms. Ranu Purohit, Adv.
Mr. Alapati Sahithya Krishna, Adv.

For Respondent(s) Ms. Deepanwita Priyanka, Adv.
Ms. Swati Ghildiyal, AOR
Ms. Devyani Bhatt, Adv.

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

Leave granted.

The appeal is allowed in terms of the signed order. The appellant shall be enlarged on bail. This is subject to the condition(s) as may be imposed by the Trial Court. It will also be subject to the condition that the appellant will pay a sum of

Rs.5,00,000/- (Rupees Five Lakhs) within a period of two weeks from today to the legal representatives of each of the seven workers who have died in the incident. It is subject to further condition that the appellant will pay a further sum of Rs.5,00,000/- (Rupees Five Lakhs) more to the legal representatives of each of the seven workers within a period of five weeks from today. The grant of bail will be subject to any other conditions which may be fixed by the trial court. One of the condition that the trial court shall impose shall be that the appellant shall not in any way attempt to influence any of the witnesses proposed to be examined by the prosecution.

We clarify that the appellant shall be released on bail actually only on payment of the first installment of Rs.5,00,000/- (Rupees Five Lakhs) within a period of two weeks from today. It will undoubtedly be subject to the further condition that the appellant will pay the remaining amount of Rs.5,00,000/- (Rupees Five Lakhs) within the period of five weeks from today, failing which the appellant will forfeit the benefit of this order. We make it clear that the aforestated amount, in two installments, shall be deposited before the Trial Court and the Trial Court will disburse the amounts to the legal representatives of each of the seven workers who died in the incident.

Pending application(s), if any, stand disposed of.

(JAGDISH KUMAR)
COURT MASTER (SH)

(RENU KAPOOR)
ASSISTANT REGISTRAR

(Original signed order is placed on the file)