



IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO(s) 2054/2022

Arising out of SLP(Criminal) No. 2739/2022

WITH

CRIMINAL APPEAL NO(s) 2055/2022

Arising out of SLP(Criminal) No. 3774/2022

RAMANBHAI BHOLIDAS PATEL

Appellant(s)

VERSUS

THE STATE OF GUJARAT

Respondent(s)

O R D E R

Leave granted in both the matters.

2. The appellant has approached this Court seeking invalidation of two orders passed by the High Court of Gujarat at Ahmedabad on 28.01.2022 rejecting his plea for bail in two separate cases with similar nature of allegations. He has been arrested, inter-alia, on the ground of his involvement in alleged land-grabbing activities. The two cases, in connection with which the appellant has been arrested, relate to two F.I.R.s dated 17.10.2020 and 04.11.2020. Complaint against the appellant is over transactions undertaken by him in respect of sale of immovable properties on the basis of forged powers of attorney.

3. According to the appellant, the said instruments had been

executed sometimes in the early nineties of the last century. In the two orders of the High Court, involvement of the appellant in other cases containing allegations of land grabbing as also non-cooperation in investigation have been highlighted. In Criminal Appeal arising out of SLP (Criminal) No.2739 of 2022, the case against the appellant was initiated by an FIR bearing CR No.11191020201493 of 2020 registered with Vastrapur Police station, Ahmedabad. In the Criminal Appeal arising out of SLP (Criminal) No.3774 of 2022, the triggering FIR has been registered with Sola High Court Police Station, Ahmedabad under CR No.11191045202003 of 2020. The offences alleged are under Sections 420, 465, 467, 468, 471, 120B and 34 of the Indian Penal Code in the F.I.R. registered with Sola High Court Police Station whereas in the other F.I.R., offences alleged to have been committed by the appellant are under Sections 406, 420, 465, 467, 468, 471, 120B and 34 of the Code. Learned counsel for the State has apprised us that charge-sheets have been submitted in these cases.

The appellant is in custody for over two years.

4. The plea of the appellant for bail before us was strongly resisted on the ground of his involvement in large number of land-grabbing cases. It was also pointed out that he was likely to influence the witnesses and disrupt fair trial if enlarged on bail. It has also been argued before us that there are charges under Section 467 of the Indian Penal Code, 1860 against him which carries imprisonment of 10 years and with allegations of commission of such serious offences, his bail plea was rightly rejected. On

the other hand, it has been urged on behalf of the appellant that he is over 65 years of age and has already spent more than two years in detention in connection with offences alleged to have been committed almost three decades back.

5. Upon considering submissions made by the learned counsel for the appellant and the prosecution and also considering the aforesaid factors including his age and the fact that charge-sheets have been submitted, we are of the opinion that the appellant at this stage has made out a case for being enlarged on bail in each of the two cases but grant of bail to the appellant shall be subject to the conditions which we enumerate below, apart from any other terms and conditions the Trial Court may impose:-

(i) Immediately on his release on bail, the appellant shall leave the State of Gujarat and shall remain outside the State of Gujarat till conclusion of the trial. He shall, however, not leave the country during the period he remains on bail. When he is required to appear before the Trial Court, he shall, solely for that purpose, enter the State of Gujarat upon prior intimation in writing as also through the electronic medium like SMS or WhatsApp, to the SHOs of the two police stations, Vastrapur and Sola High Court. To keep the communication channel alive, the SHOs of the said police stations shall give their respective mobile phone numbers to the appellant and the appellant shall also provide the said SHOs with his own mobile phone number.

(ii) From the point of time he enters the State of Gujarat to attend the trial and till he leaves the State, he shall be under constant police escort. The Commissioner of Police, Ahmedabad shall determine the strength of the police team escorting him and the police personnel shall also remain with him throughout his stay in the State of Gujarat. The appellant shall bear the expenses of the escorting police personnel.

(iii) The appellant shall also inform the SHOs of the respective police stations the exact location with address thereof of the place outside the State of Gujarat where he would be residing while on bail. The appellant shall ensure that his mobile phone remains active and properly charged so that he remains constantly accessible throughout his stay within and outside the State of Gujarat until the Trial Court finally decides the respective cases. The SHOs shall also regularly monitor his availability through the mobile phone. In the event he becomes inaccessible through his mobile phone, the concerned SHO shall immediately bring such fact to the notice of the Trial Court and this could be a ground for cancelling his bail.

(iv) During this period, he shall also keep his mobile phone active with GPS functioning and his phone shall remain "paired" or otherwise connected with the mobile phones of the respective SHOs to enable them, at any

given time, to identify the appellant's exact location. The appellant shall activate in his own device the application through which his location status could be identified at any given point of time.

(v) Any movement of the appellant from the jurisdiction of one Police Station to another, while he remains outside the State of Gujarat, shall also be intimated in advance to the respective SHOs.

(vi) During his stay outside the State of Gujarat, as a condition for being granted bail, he shall report every alternate day to the SHO of the Police Station within the jurisdiction of which he will be residing.

(vii) The appellant shall also surrender his passport to the Trial Court and the same shall be retained by the Trial Court until conclusion of the trial.

6. These conditions, as we have already recorded, shall be in addition to any other condition the Trial Court may impose for enlarging him on bail.

7. In the event there is breach of any of these conditions, or any of the conditions to be imposed by the Trial Court additionally, it shall be open to the prosecution to seek cancellation of his bail before the Trial Court. Similarly, if the appellant seeks to threaten or otherwise influence any of the witnesses in either of the two cases, whether directly or indirectly, then also the prosecution shall be at liberty to seek

cancellation of his bail by making an appropriate application before the Trial Court.

8. There are two intervention applications (IA No. 127873 of 2022 in Criminal Appeal arising out of SLP (Cr1.) No.2739 of 2022 and I.A. No.127854 of 2022 in Criminal Appeal arising out of SLP (Cr1.) No.3774 of 2022) by the daughter-in-law of the appellant. But, in these proceedings, we do not think such intervention ought to be allowed. The Intervention applications are dismissed without going into the merit thereof.

9. As regards the prosecution argument that the appellant is involved in other cases, we do not make any comment thereof in this order. Let those cases proceed on their own and it shall be open to the prosecution to take such legal steps, as may be permissible in law, in connection with those cases.

10. The impugned judgment is set aside and the appeals are allowed in the above terms. There shall be no order as to costs.

11. The Trial Court is now to take necessary steps in terms of directions contained in this order.

.....J.
[ANIRUDDHA BOSE]

.....J.
[KRISHNA MURARI]

New Delhi.
November 25, 2022.

ITEM NO.301

COURT NO.12

SECTION II-B

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Special Leave to Appeal (Cr1.) No(s). 2739/2022

(Arising out of impugned final judgment and order dated 28-01-2022 in CRLMA No. 13068/2021 passed by the High Court Of Gujarat At Ahmedabad)

RAMANBHAI BHOLIDAS PATEL

Petitioner(s)

VERSUS

THE STATE OF GUJARAT

Respondent(s)

IA No. 42740/2022 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

IA No. 42741/2022 - EXEMPTION FROM FILING O.T.

IA No. 42743/2022 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

WITH

SLP(Cr1) No. 3774/2022 (II-B)

IA No. 59656/2022 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

IA No. 116986/2022 - EXEMPTION FROM FILING O.T.

IA No. 59657/2022 - EXEMPTION FROM FILING O.T.

IA No. 127854/2022 - INTERVENTION APPLICATION

IA No. 116984/2022 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES

IA No. 59659/2022 - PERMISSION TO PLACE ADDITIONAL FACTS AND GROUNDS)

Date : 25-11-2022 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ANIRUDDHA BOSE

HON'BLE MR. JUSTICE KRISHNA MURARI

For Petitioner(s) Mr. Varinder Kumar Sharma, AOR
Mr. Shantanu Sharma, Adv.
Mr. Y.K. Prasad, Adv.
Mr. Sardhha Saen, adv.
Dr. Ram Kishore Choudhary, Adv.

For Respondent(s) Mr. S.V. Raju, Ld. ASG (NP)
Mr. Rajat Nair, Adv.
Ms. Devyani Bhatt, Adv.
Ms. Shravya Pathak, Adv.

Ms. Swati Ghildiyal , AOR

Mr. Alex Joseph, AOR

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

Leave granted.

The appellant is enlarged on bail in each of the two cases.

Intervention applications (IA No. 127873 of 2022 in Criminal Appeal arising out of SLP (Cr1.) No.2739 of 2022 and I.A. No.127854 of 2022 in Criminal Appeal arising out of SLP (Cr1.) No.3774 of 2022) by the daughter-in-law of the appellant, are dismissed.

The impugned judgment is set aside and the appeals are allowed in terms of the signed order.

(JATINDER KAUR)
SENIOR PERSONAL ASSISTANT

(VIDYA NEGI)
ASSISTANT REGISTRAR

[Signed order is placed on the file]