

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/CRIMINAL MISC.APPLICATION NO. 5886 of 2020

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ASHUMAL @ ASHARAM S/O. THAUMAL SINDHI (HARPALANI)

Versus

STATE OF GUJARAT

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Appearance:

MR. S.V. RAJU, SR. ADVOCATE WITH MR.DIPAK B PATEL(3744) for the
Applicant(s) No. 1

for the Respondent(s) No. 2

MR MITESH AMIN, PUBLIC PROSECUTOR(2) for the Respondent(s) No. 1

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CORAM: HONOURABLE MS.JUSTICE BELA M. TRIVEDI

Date : 30/03/2020

ORAL ORDER

1. Heard learned advocates for the parties through video conferencing.
2. The application has been filed by the applicant seeking temporary bail for a period of four months in connection with the FIR registered with Chandkheda Police Station, Ahmedabad bearing C.R. No. I-218/2013 and Sessions Case No. 34 of 2014 pending with the Sessions Court, Gandhinagar.
3. It is sought to be submitted by the learned Senior Advocate Mr. Raju for the applicant that the applicant is aged about 84 years and is suffering from various ailments. Pressing into the service the order passed by the Apex Court

in Suo Moto Writ Petition No. 1 of 2020, he submitted that considering the age and condition of the applicant, he would be more vulnerable to the COVID-19 pandemic prevailing in the State, and therefore, this is a fit case to grant temporary bail to the applicant as prayed for.

4. However, the learned Public Prosecutor Mr. Amin has vehemently submitted that considering the seriousness of the alleged offences, the earlier applications for regular bail of the applicant have not been granted by this Court and by the Apex Court, and therefore, the present application for temporary bail should not be entertained.

5. Having regard to the submissions made by the learned advocates for the parties and to the documents on record, more particularly the copy of the FIR registered against the applicant - accused, it appears that the applicant - accused is involved in a very serious offences under Sections 376(2)(c), 377, 354, 357, 342, 346, 506(2) and 120(B) of IPC. It also appears that his regular bail applications were not granted by this Court as well as by the Supreme Court. The case of the applicant also does not fall under any of the categories mentioned in the guidelines issued by the High Power Committee constituted pursuant to the order passed by the Supreme Court in Suo Moto Writ Petition No. 1 of

2020.

6. In that view of the matter, the present application does not deserve any further consideration and is dismissed accordingly.

AMAR SINGH

(BELA M. TRIVEDI, J)

