

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/CRIMINAL MISC.APPLICATION NO. 7349 of 2020

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ASHUMAL @ ASHARAM S/O THAUMAL SINDHI (HARPALANI)

Versus

STATE OF GUJARAT

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Appearance:

MR MANOJ S JOSHI(2961) for the Applicant(s) No. 1

MS MITA S PANCHAL(530) for the Applicant(s) No. 1

MS SHRUTI PATHAK, APP (2) for the Respondent(s) No. 1

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CORAM: **HONOURABLE MR. JUSTICE A.S. SUPEHIA**

Date : 03/06/2020

ORAL ORDER

1. By way of the present application, the applicant-accused has prayed to release him on temporary bail for a period of 04 (four) months on various grounds.

2. The first and foremost ground advanced by the learned advocate for the applicant is looking to the present pandemic situation of Covid 2019 virus infection prevailing all over the world, the applicant has all probability of getting infected in the jail at Rajasthan. She has placed reliance on some news items in this regard. She has submitted that the applicant-accused, is in judicial custody since last several years and he is suffering from various ailments. Learned advocate for the applicant has further submitted that the applicant is 84 years of age and as per her information in the Jodhpur Jail, some of the prisoners are affected with Corona Virus and hence, there is every likelihood that the applicant may also get affected by this virus. She has further submitted that as per the guidelines issued by the Central Government and the State Government aged persons are likely to be affected with Corona Virus and hence, the applicant is required to be released on temporary bail for the above period.

3. Vehemently opposing the present application, the learned APP has submitted that the applicant-accused had approached this Court citing same reasons by filing Criminal Misc. Application No. 5886 of 2020 and by the order dated 30.03.2020, this Court has rejected the request of the applicant-accused in view of the orders passed by the Hon'ble Supreme Court. She has submitted that in fact the jail authorities in Rajasthan are taking ample precautions so that there is no spread of Covid 2019 amongst the inmates and hence, the present application may not be entertained.

4. I have heard the learned advocates appearing on behalf of the respective parties.

5. It is an undisputed fact that the present applicant had filed Criminal Misc. Application No.5886 of 2020 seeking temporary bail for a period of 04 (four) months in connection with the concerned FIR and by the order dated 30.03.2020 this court, while dealing with the said temporary bail application filed on identical contentions, has rejected the said application by observing as under:

“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. No new ground has been raised by the applicant seeking indulgence of this Court in releasing him on temporary bail. The applicant in the present application has made a specific averment that he has number of followers all over the world and in India. Considering the said averment, it would not be apposite to release the applicant on bail in light of the prevailing situation of Covid 2019, since there is a strong possibility that on release of the applicant, his thousands of followers will congregate to meet him, which will aggravate the distressing situation.

7. In view of the aforesaid background, the present application fails and the same is hereby rejected.

Sd/-
(A. S. SUPEHIA, J)

SRILATHA//Bhavesh*