

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD****CRIMINAL MISC.APPLICATION (TEMPORARY BAIL) NO. 3 of 2024
In R/CRIMINAL APPEAL NO. 1756 of 2019**

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NARAYAN @ NARAYAN SAI @ MOTA BHAGWAN S/O ASHARAM @
ASHUMAL HARPALANI
Versus
STATE OF GUJARAT

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Appearance:

MR DHARMENDRA KUMAR MISHRA, MR ZUBIN BHARDA, MR RAAJEN D
JADHAV, MR NEERAJ DESWAL, ADVOCATES for the PETITIONER(s) No.

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MR HARDIK DAVE, PUBLIC PROSECUTOR for the RESPONDENT(s) No. 1

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CORAM: HONOURABLE MR. JUSTICE ILESH J. VORA
and
HONOURABLE MS. JUSTICE S.V. PINTO

Date : 18/10/2024

IA ORDER
(PER : HONOURABLE MS. JUSTICE S.V. PINTO)

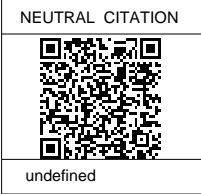
1. The present application is filed by the applicant praying for granting temporary bail to the applicant for a period of 30 days in connection with Sessions Case No.141 of 2014 decided on 30.4.2019 by the learned Sessions Judge, Surat.

2. We have heard learned advocate Mr Dharmendra Kumar Mishra appearing along with learned advocate Mr



Zubin Bharda, learned advocate Mr Raajen D Jadhav and learned advocate Mr Neeraj Deswal for the applicant and learned Public Prosecutor Mr Hardik Dave for the respondent State.

3. Learned advocate appearing on behalf of the applicant has submitted that the father of the applicant is aged about 86 years and is suffering from various life threatening ailments and at a very high risk of life and lodged in the jail at Jodhpur, Rajasthan. It is submitted that the father of the applicant was hospitalised in AIIMS, Jodhpur Hospital from 9.8.2024 and thereafter was admitted to Arogyam Ayurvedic Panch Karma Hospital, Jodhpur on 25.09.2024 and was discharged after 10 days as his time limit to remain in the hospital was exceeded as per the order of the Honourable High Court of Rajasthan. It is submitted that the health condition of the father of the applicant is very alarming, highly critical and extremely worrisome as he has suffered several heart attacks while in jail and with each passing moment, his medical condition is



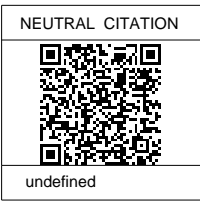
significantly deteriorating and the jail authorities are not equipped with handling such exigencies. It is submitted that after several diagnosis and medical examinations, the father of the applicant has been found to have severe fatal medical emergency conditions of Heart Disease – viz., severe LV Systolic Dysfunction & IHD-CAD, recurrent Angina episodes, TVD with more than 90% blocks in two coronary vessels as per his angiography report. That his haemoglobin level is also dropping owing to internal bleeding and life threatening Co-morbidities like Diabetes Mellitus Type II, Uncontrolled Diabetic Neuropathy, Hypertension, Hypothyroidism, Cervical Spondylitis, Trigeminal Neuralgia, Phimosis and BHP have added adversely to his condition. That the applicant being the only son has not been able to see and meet his father since more than 11 years and looking to the extremely critical health condition of the father, his physical presence is required to make effective and proper arrangements for better treatment of his father. Learned Advocate for the applicant submits that on humanitarian interest and family values, the applicant



being the only son should be allowed to meet his old ailing father personally and has requested to be enlarged on temporary bail for a period of 30 days.

4. Learned Advocate further submits that if this Court is not inclined to release the applicant on temporary bail, orders for arrangements at the cost of the applicant be made for the applicant to meet his father personally who is lodged in Jodhpur jail in Rajasthan. The applicant is ready and willing to bear all the expenses at his own cost for him to be taken even by air with police protection to Jodhpur Jail in Rajasthan and is ready and willing to abide by any terms and conditions that this Court deems fit.

5. On the other-hand, learned Public Prosecutor Mr.Hardik Dave has vehemently opposed the present application and has drawn the attention of this Court to the fact that there are number of followers/devotees/supporters and some are aggressive and have assaulted witnesses in the past. Learned Public Prosecutor has raised a concern that if the news of the applicant being released or removed



from jail is revealed and is made viral through the electronic media, the followers/devotees/supporters will gather and there is likelihood of breach of public law and order situation and has urged this Court to reject the present application for temporary bail.

6. Learned Public Prosecutor Mr.Dave has submitted the confidential report of the Director General of Police (Law & Order) and In-charge Director General & Inspector General of Police, Gujarat State, Gandhinagar, In-charge Inspector General of Police, Intelligence, Gujarat State, Gandhinagar and Police Commissioner, Surat City in a sealed cover and we have perused the same.

7. Learned Public Prosecutor Mr Hardik Dave has further submitted that if this Court is inclined to allow the applicant's prayer to meet his father in Jodhpur Jail in Rajasthan with police protection at his cost, police officers of the rank of Assistant Commissioner of Police, Police Inspectors, Police Sub Inspectors, Head Constables and Constables be ordered to accompany the applicant at his



cost and the applicant may be ordered to deposit the amount to enable necessary arrangements be made. Learned Public Prosecutor has further submitted that keeping in view the peculiar facts and circumstances, it is necessary that the date and time of the visit may not be made public to avoid any untoward law and order situation.

8. Having regard to the peculiar facts and circumstances and grounds urged in this application, on humanitarian grounds, as well as considering the documents regarding the health condition of the father of the applicant and the fact that the applicant has not met his father since last 11 years, we deem it fit to direct that the applicant be taken by air to Jodhpur Jail in Rajasthan where his father is lodged with an escort comprising of one Assistant Commissioner of Police, One Police Inspector, Two Head Constables and Two Constables at the costs and expenses of the applicant to meet his father for four hours personally on a one to one basis in the jail. The applicant shall deposit an amount of Rs.5,00,000/- (Rupees five lacs



only) in the first instance in the Government Treasury in Sachin Police Station, Surat in Head No.55 towards the said expenses. After the amount is deposited by the applicant, necessary arrangements to take the applicant shall be made by the concerned authority within a period of seven days. The applicant will be taken directly from Lajpore Central Jail, Surat to Jail at Jodhpur, Rajasthan and will be lodged in Jodhpur Jail, Rajasthan during the entire period where he will meet his father for four hours. The jail authority, Jodhpur shall not permit any other person such as sister, mother or any other person to meet the applicant during the entire period and except the applicant, no other person will be present during the meet of duo i.e. father and son. The applicant shall not be removed from Jodhpur Jail premises for any other reason whatsoever including medical exigencies except to be brought back to Lajpore Central Jail, Surat. The applicant will be permitted to visit his father for a period of four hours only and will be brought back to Lajpore Central Jail, Surat by flight at the earliest. The day



and time of the visit will be decided by the competent authority after the amount is deposited by the applicant.

9. The parties are directed to submit the report after visit is concluded and the applicant is brought back to the Lajpore Central Jail, Surat.

10. Registry shall inform about this order to the Jail Authority at the earliest by FAX and Email.

11. Subject to the aforesaid directions, the present application is disposed of. Direct service permitted.

(ILESH J. VORA,J)

(S. V. PINTO,J)

H.M. PATHAN