

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CRIMINAL MISC.APPLICATION (FOR CANCELLATION OF BAIL) NO.
7918 of 2022**

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STATE OF GUJARAT

Versus

PATEL SAURAV GAUTAMBHAI

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Appearance:
MS ASMITA PATEL, APP for the Applicant(s) No. 1

JIGNESHKUMAR M NAYAK(8558) for the Respondent(s) No. 1

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CORAM:HONOURABLE MR. JUSTICE J. C. DOSHI**Date : 12/02/2024****ORAL ORDER**

1. By way of the present petition under Section 439(2) of the Code of Criminal Procedure, 1973, the petitioner State has prayed to quash and set aside the order dated 21.02.2022 passed by the learned Additional Sessions Judge, Kalol in Criminal Misc. Application No.59 of 2022, whereby the learned Session Judge has granted regular bail to the respondent – original accused.

2. Heard learned APP for the petitioner State.

3. In **Bhagwan Singh v Dilip Kumar @ Deepu @ Depak** reported in 2023 INSC 7613, the Hon'ble Apex Court after considering judgment in case of **Dolat Ram v State of Haryana**, (1995) 1 SCC 349; **Kashmira Singh v Duman Singh**, (1996) 4 SCC 693 and **X v State of Telangana**, (2018) 16 SCC 511, held as follows:

'13. It is also required to be borne in mind that when a prayer is made for the cancellation of grant of bail cogent and overwhelming circumstances must be present and bail once granted cannot be cancelled in a mechanical manner without considering whether any supervening circumstances have rendered it in conducting to allow fair trial. This proposition draws support from the Judgment of this Court in Daulat Ram and others v. State of Haryana reported in (1995) 1 SCC 349, Kashmira Singh v. Duman Singh (1996) 4 SCC 693 and xxx v. State of Telangana (2018) 16 SCC 511.'

4. Learned APP though strongly argued to cancel the bail on submission that the learned Sessions Court while granting bail did not consider the factors to be considered for granting or rejecting the bail, has failed to submit any supervening circumstances being rendered it in conducting to allow fair trial.

5. Learned APP also argued that the learned Trial Court ought to have considered that Rs.40,00,000/- has been recovered from possession of the respondent accused. The respondent has played active role, huge amount was looted and thereafter, same amount was adjusted and managed by the respondent and therefore, it is urged to allow this petition and to cancel the bail granted to the accused.

6. This Court finds no circumstances to adjudge the impugned order as unjust and contrary to the settled principles of law. As held earlier, the petitioner has failed to point out supervening circumstances, which may interfere with the fair

trial.

7. Before parting with the order, I may also refer the observations made in the recent decision by the Hon'ble Apex Court in case of **Kekhriesatuo Tep and others Vs. National Investigating Agency** reported in (2023) 6 SCC 58. The relevant observation made in para 20 reads as under:-

“20. An interference by an Appellate Court and particularly in a matter when liberty granted to a citizen was being taken away would be warranted only in the event the view taken by the Trial Court was either perverse or impossible. On this limited ground, we find that the appeals deserve to be allowed.”

8. Resultantly, present petition fails and stands dismissed. Notice discharged.

SATISH

(J. C. DOSHI,J)