

ITEM NO.29

COURT NO.9

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 PETITION (CRIMINAL) Diary No(s).12141/2019**

(Arising out of impugned final judgment and order dated 19-02-2019 in R/CRLMA No. 399/2019 passed by the High Court of Gujarat at Ahmedabad)

USHABEN

Petitioner(s)

VERSUS

STATE OF GUJARAT &amp; ANR.

Respondent(s)

(WITH I.R. and IA No.66497/2019-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.66500/2019-EXEMPTION FROM FILING O.T. and IA No.66493/2019-PERMISSION TO FILE SLP)

Date : 29-04-2019 This petition was called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE D.Y. CHANDRACHUD

HON'BLE MR. JUSTICE HEMANT GUPTA

For Petitioner(s) Ms. Meenakshi Arora, Sr. Adv.  
Mr. Siddhesh Kotwal, Adv.  
Ms. Bansuri Swaraj, Adv.  
Mr. Raghuvasha Sethupathy, Adv.  
Mr. Gagan Naran, Adv.  
Ms. Arshiya Ghose, Adv.  
Ms. Astha Sharma, AOR

For Respondent(s) Mr. I.H. Syeed, Adv.  
Mr. Zaki Sheikh, Adv.  
Mr. Sanjay Jain, Adv.

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

Permission to file the Special Leave Petition granted.

While granting anticipatory bail to the second respondent, the High Court, by its impugned order dated 19 February 2019, noted that the second respondent had appeared both before the original investigating officer as well as the State CID, after transfer of the investigation.

Learned counsel appearing on behalf of the second respondent urged that the second respondent has appeared before the investigating officers and is ready and willing even now to abide by such further directions, as may be issued for the purposes of investigation.

Having due regard to the reasons which have weighed with the High Court in granting anticipatory bail, we are not inclined to interfere with the impugned order. However, we expressly record the assurance of the second respondent that he shall appear before the CID and cooperate in the investigation, including by producing such documents as are within the custody and control of the second respondent. For this purpose, we direct that the second respondent shall appear before the investigating officer on 6 and 7 May 2019.

Since the High Court is already seized of Criminal Miscellaneous Application (Direction) 1 of 2018 in R/Special Criminal Application 8662 of 2017 [**Ushaben D/o Gopalbhai Dhanjibhai Lad v The State of Gujarat and Others**], it will be open to the investigating officer to move the High Court in the event it becomes necessary to do so.

The Special Leave Petition is disposed of.

Pending application, if any, stands disposed of.

**(SANJAY KUMAR-I)**  
**AR-CUM-PS**

**(SAROJ KUMARI GAUR)**  
**COURT MASTER**