

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD****CRIMINAL MISC. APPLICATION (FOR SUSPENSION OF SENTENCE)****NO. 1 of 2025****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 & ANR.**

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**Appearance:**

**MR SHALIN MEHTA, SR. ADVOCE WITH MR RAAJEN D JADHAV WITH  
MR ASHISH M DAGLI(2203) for the APPLICANT No. 1  
MR NANDISH THAKKAR WITH BHAGIRATH N PATEL(9016) for the  
RESPONDENT(s) No. 2  
MR LB DABHI APP for the RESPONDENT No. 1**

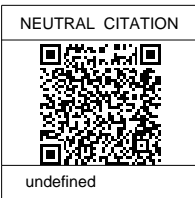
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**CORAM: HONOURABLE MR. JUSTICE ILESH J. VORA  
and  
HONOURABLE MR. JUSTICE P. M. RAVAL**

**Date : 20/06/2025**

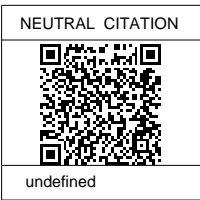
**IA ORDER  
(PER : HONOURABLE MR. JUSTICE ILESH J. VORA)**

1. We have heard learned Senior Counsel Mr. Shalin Mehta, assisted by Mr. Ashish Dagli, learned advocate appearing on behalf of convict – applicant, Mr. L.B. Dabhi, learned APP for the respondent State, Mr. Nandish Thakkar, learned advocate with Mr. Bhagirath Patel, learned counsel appearing for and on behalf of respondent complainant – victim.
2. This successive application is filed seeking suspension of sentence and grant of bail on the ground mentioned in the application. The applicant convict and others were tried by the Sessions Court,



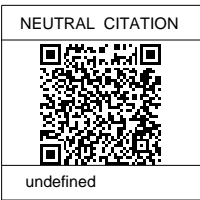
Surat for the offence punishable under Sections 376 (2)(f), (k), (n), 377, 354, 323, 504, 506(2) of the IPC. Vide judgment of conviction dated, 30.04.2019, the Sessions Court held guilty the applicant and others and sentenced to suffer rigorous imprisonment for life. Since date of arrest i.e. 04.12.2013, the applicant was tried as an undertrial prisoner and never released on bail.

3. The brief facts of the prosecution case are that, the father of the convict named Ashumal known as Asharam had established religious ashram in Ahmedabad and gradually spread its activities all across the India. In order to maintain the activities of the ashram, so many sadhakas and/or sevikas joined with the ashram. Thereafter the convict had joined the path of his father. He was mostly remained present at the Surat ashram in Gujarat. The victim aged between 18 to 20, along with her family members, in the year 2001 participated in the religious function organized at Surat ashram and met the applicant – convict herein and thereafter, she joined the ashram as ‘sevika’ and had performed various duties In these background, the allegation made to the effect that, the victim was asked to visit the room of the applicant convict, where she was forced to indulge into the act of unnatural sex with



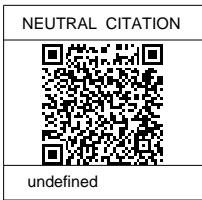
the convict, who also thereafter committed rape. The victim left the ashram in the year 2004 and having regard to the power and position of the convict and his father, she did not have courage to inform anyone. However, she gathered courage when the father of the applicant arrested by the Jodhpur police in connection with the offence of rape and later on, on 05.10.2013, before the higher authority of the Surat Police, she made a complaint, which was came to be registered with Jhangirpura Police Station against the convict and others. In such circumstances, upon completion of the investigation and filing the chargesheet, the convict and others were tried for the offences mentioned hereinabove and at the conclusion of the trial, the convict and others held guilty and accordingly, he has been directed to suffer rigorous imprisonment for life.

4. Mr. Shalin Mehta, learned Senior Counsel appearing for the convict, submitted that, at this stage, the prayer is confined to release the convict on temporary bail; that the incarceration period is more than 11 years and considering the backlog of old appeals, the final hearing of the appeal may take considerable time and therefore, at this stage, the applicant convict may be enlarged on temporary bail for a period of 15 days to meet his ailing father aged

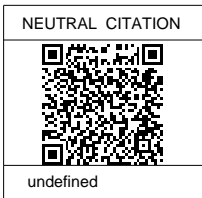


about 86 years, currently, taking treatment at the Ayurveda Hospital, Pune as his health condition is very alarming highly critical and extremely worrisome as he has suffered several heart attacks while in the jail and his medical condition is significantly deteriorating and as per the medical record, there is 90% blockage in two coronary vessels and also having multiple age related ailment; since the date of arrest i.e. 04.12.2013, the convict had never met his father and he being the only son, he be allowed to meet his old ailing father personally, on temporary bail with appropriate conditions, whatever deem it to the court; this Court on earlier occasion, vide order dated 18.10.2024, was pleased to allow the applicant to meet father of the convict, who at relevant time, was in Jodhpur jail. However, due to financial constrain, he could not get the fruits of the order and meet his father. In such circumstances, on humanitarian ground, he prays that, the prayer for temporary bail may be considered.

5. Opposing the prayer, learned State Counsel Mr. L.B. Dabhi and Mr. Nandish Thakkar, learned counsel appearing for the victim, have stated that, the convict has been convicted for a serious offence, for which he is sentenced to life imprisonment and



during his jail term, his conduct is not good and on earlier occasion, when he had sought a temporary bail on medical grounds, of his mother, the documents relied upon, were found forged and concocted. The Division Bench, taking a serious view in the matter, issued direction to lodge an FIR and imposed cost of Rs.1 lakh; that the applicant convict had misused and abuse the court process and mislead the court; the father of the convict as well as convict having huge fan following and the ashram activities are still continue across the India and therefore, in any case, even with police japta, if the convict be allowed to meet his father at Jodhpur, then, it will create an issue of law and order, as possibility cannot be ruled out for addressing the gathering by the applicant at Jodhpur, which further creates a problem for the law enforcement agency; that, the father, who is on temporary bail, can meet the convict at Surat in jail or the meeting can be arranged by video conferencing; that recently, the furlough sought by the convict was rejected by the concerned authority, against which, the application filed before the Single Judge of this Court, wherein, while rejecting the application, made observation on the aspect of activities of the convict and also expressed the apprehension that, if the convict be released on furlough, there is likelihood of breach of



public law and order situation. In such circumstances, both the counsels have urged to reject the present application for temporary bail.

6. We have heard at length the learned counsel appearing for the respective parties and perused the records.
7. Having regard to the peculiar facts and circumstances and grounds urged in the application as well as in the form of submissions and the fact that applicant - convict is in jail since 2013 and on earlier occasion, when he was released on temporary bail with police surveillance, no any untoward incident reported, thus, therefore, on humanitarian ground, considering the medical condition of the father of the convict, who is also convicted by the Gandhinagar and Jodhpur Sessions Court, for the offence of rape and presently, serving his sentence for life and since the arrest of the applicant-convict and his father, there was no occasion for both to meet personally because of their different jail, we inclined to exercise our judicial discretion releasing the applicant - convict on temporary bail for a period of 5 (five) days from the date of his release, with Police Surveillance (Japta), the cost of Japta to be borne by the convict. The authority concerned is



directed to release the applicant and allow him to meet his father, who is currently on temporary bail at Jodhpur, Rajasthan and after completion of five days, he shall be brought back to the Lajpore Central Jail, Surat. The convict shall not meet his followers or followers of his father in a group. The officials of the Surveillance who accompanied to the convict shall facilitate the convict to meet his father in person in the house during the said days and try to see that, their personal privacy be maintained.

8. With these observations and directions, this application is partly allowed and disposed of accordingly. Direct service permitted. This Court has not gone into the merits of the prayer with regard to suspension of sentence and grant of bail, as the present relief of temporary bail is being considered only on humanitarian grounds without commenting on merits.
9. Registry shall notify the Criminal Appeals on 11<sup>th</sup> July, 2025 final hearing.

**(ILESH J. VORA,J)**

**(P. M. RAVAL, J)**

P.S. JOSHI