

PETITIONER:  
JASUBHA SAJUBHA ZALA

Vs.

RESPONDENT:  
THE STATE OF GUJARAT

DATE OF JUDGMENT 11/08/1995

BENCH:  
HANSARIA B.L. (J)  
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HANSARIA B.L. (J)  
AHMADI A.M. (CJ)  
SEN, S.C. (J)

CITATION:  
1995 SCC (5) 309                      1995 SCALE (4) 721

ACT:

HEADNOTE:

JUDGMENT:

J U D G M E N T

HANSARIA, J.

Leave granted.

2. This appeal has to be allowed in view of our Judgment in Criminal Appeal arising out of SLP (Crl.) No. 1735 of 1995 delivered today and for the reasons given in that judgment.

3. As the allegation against the appellant in this case is harbouring of one Anirudhsingh Mahipatsingh, against whom the allegation is of conspiracy to cause the death of Jayantilal Vadodaria, relating to murder of whom the two appellants in the aforesaid appeal were arrested, inter alia, under TADA, no offence under Section 3(4) of TADA can be said to have been committed by the appellant, as we have not upheld invocation of this Act for causing murder of Jayantilal. As to the offence under Section 212 I.P.C. it may be stated that the same is bailable.

4. In view of the above, the appeal is allowed by ordering release of the appellant on bail, which shall be on the same terms as mentioned in the Judgment mentioned above.