

(2024) 01 GUJ CK 0120

In the Gujarat High Court

Case No : R/Criminal Misc.Application (For Successive Regular Bail - After Chargesheet) No. 1703 Of 2024

Amitbhai Bharatbhai Kadiya

APPELLANT

Vs

State Of Gujarat

RESPONDENT

Date of Decision : 29-01-2024

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 439

Citation : (2024) 01 GUJ CK 0120

Hon'ble Judges : M. R. Mengdey, J

Bench : Single Bench

Advocate : Nishith P Acharya, Chintan Dave

Final Decision : Allowed

Judgement

M. R. Mengdey, J

Rule. Mr.Dave, learned APP waives service of notice of Rule on behalf of respondent State.

1. The applicant has filed this Application under Section 439 of the Code of Criminal Procedure for enlarging the applicant on Regular Bail in connection with FIR being C.R.No.11215041230025 of 2023 registered with Cyber Crime Police Station, Dist.Anand.

2. Learned advocate for the applicant submitted that, the applicant is not involved in commission of offence as alleged in the FIR and therefore, looking to the role of the applicant and nature of the alleged allegations, the applicant is required to be enlarged on regular bail by imposing suitable terms and conditions.

3. Per contra, learned APP appearing for the respondent State authority opposed the present application contending that applicant had opened the account which was given on rent to the other co-accused for transactions involved in the present offence. He further submitted that the applicant had also obtained the

account of other co-accused viz. Amitkumar Solanki on rent for Rs.40,000/- and the said account was also handed over by him to the other co-accused for the alleged transaction in question. He therefore submitted that there is active participation on the part of the present applicant in commission of offence in question. He, therefore, prayed to dismiss the present application.

4. Heard learned advocates for the parties and perused the record.

5. The investigation is over and the charge-sheet is also filed. The role attributed to the present applicant in commission of the offence is to the effect that the applicant had obtained account of co-accused on rent for Rs.40,000/- as well as he had offered his own bank account to the other co-accused for the alleged transaction in question. Considering these facts, the present application deserves consideration and accordingly stands allowed. The Applicant Accused is ordered to be released on bail in connection with the aforesaid FIR on executing a personal bond of Rs.10,000/- with one surety of the like amount to the satisfaction of the trial Court, subject to the following conditions that the applicant shall:

(a) not directly or indirectly make any inducement, threat or promise to any person acquainted with the fact of the case so as to dissuade him from disclosing such facts to the Court or any Police Officer or tamper with the evidence.

(b) maintain law and order and not to indulge in any criminal activities.

(c) furnish the documentary proof of complete, correct and present address of residence to the Investigating Officer and to the Trial Court at the time of executing the bond and shall not change the residence without prior permission of the trial Court.

(d) provide contact numbers as well as the contact numbers of the sureties before the Trial Court. In case of change in such numbers inform in writing immediately to the trial Court.

(e) file an affidavit stating his immovable properties whether self acquired or ancestral with description, location and present value of such properties before the Trial Court, if any.

(f) not leave India without prior permission of the Trial Court

(g) surrender passport, if any, to the Trial Court within a week. If the Applicants do not possess passport, shall file an Affidavit to that effect.

6. Bail bond to be executed before the Trial Court having jurisdiction to try the case. It would be open for the Trial Court concerned to give time to furnish the solvency certificate if prayed for.

7. If breach of any of the above conditions is committed, the Trial Court concerned will be free to issue warrant or take appropriate action according to law. The Authorities will release the Applicant forthwith if not required in

connection with any other offence for the time being.

8. At the trial, the concerned trial Court shall not be influenced by the prima facie observations made by this Court in the present order.

9. Rule is made absolute. Direct service permitted.