

(2023) 03 GUJ CK 0084

In the Gujarat High Court

Case No : R/Criminal Misc.Application No. 4881 Of 2023

Annubhai Dodabhai Dinabhai Kol

APPELLANT

Vs

State Of Gujarat

RESPONDENT

Date of Decision : 17-03-2023

Acts Referred:

Indian Penal Code, 1860 — Section 114, 392, 394
Code Of Criminal Procedure, 1973 — Section 439

Citation : (2023) 03 GUJ CK 0084

Hon'ble Judges : Samir J. Dave, J

Bench : Single Bench

Advocate : Altaf Y Charkha, Monali Bhatt

Final Decision : Allowed

Judgement

Samir J. Dave, J

1. Rule. Learned APP waives service of notice of Rule on behalf of respondent-State.
2. This application is filed under Section 439 of the Code of Criminal Procedure for regular bail in connection with F.I.R.No.11207028220469 of 2022 registered with Halol Town Police Station, District Panchmahal, for the offences punishable under Sections 392, 394 and 114 of the Indian Penal Code.
3. Learned advocate for the applicant submits that considering the nature of offence and role attributed to the applicant, the applicant may be enlarged on regular bail by imposing suitable conditions.
4. The learned APP opposes the grant of bail looking to the nature and gravity of offences.
5. Learned advocates appearing on behalf of the respective parties do not press for further reasoned order.

6. I have heard learned advocates appearing for the parties and perused the papers of investigation.

7. In the facts and circumstances of the case and considering the nature of allegations made in the FIR and without discussing the evidence in details as well as without going into details, prima-facie, this Court is of the opinion that this is a fit case to exercise the discretion to enlarge the applicant on bail. Hence, the application is allowed and the applicant is ordered to be released on bail in connection with F.I.R.No.11207028220469 of 2022 registered with Halol Town Police Station, District Panchmahal, on executing a bond of Rs.10,000/- (Rupees Ten Thousand only) with one surety of the like amount to the satisfaction of the trial Court and subject to the conditions that;

[a] he shall not take undue advantage of liberty or misuse liberty;

[b] he shall not act in a manner injurious to the interest of the prosecution;

[c] he shall surrender passport, if any, to the lower court within a week;

[d] he shall not leave the State of Gujarat without prior permission of the Sessions Judge concerned;

[e] he shall furnish the present address of residence to the I.O. and also to the Court at the time of execution of the bond and shall not change the residence without prior permission of this Court;

[f] he shall not leave Panchmahal District till the trial is over;

8. The authorities concerned shall release the applicant only if he is not required in connection with any other offence for the time being. If breach of any of the above conditions is committed, the Sessions Judge concerned will be free to issue warrant or take appropriate action in the matter. Bail bond to be executed before the lower court having jurisdiction to try the case. It will be open for the concerned Court to delete, modify and/or relax any of the above conditions in accordance with law. At the trial, the trial court shall not be influenced by the observations of preliminary nature, qua the evidence at this stage, made by this Court while enlarging the applicant on bail.

9. Rule made absolute to the aforesaid extent. Direct service is permitted.