

(2020) 08 GUJ CK 0036

In the Gujarat High Court

Case No : R/Criminal Misc.Application No. 10069 Of 2020

Arjanbhai Punjabhai Bamaniya (Koli)

APPELLANT

Vs

State Of Gujarat

RESPONDENT

Date of Decision : 05-08-2020

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 439

Indian Penal Code, 1860 — Section 114, 120B, 143, 147, 148, 149, 302, 323, 326

Citation : (2020) 08 GUJ CK 0036

Hon'ble Judges : A.J.Desai, J

Bench : Single Bench

Advocate : Denish V Mavadhiya, Mayank R Chavda, Krina Calla

Final Decision : Allowed

Judgement

A.J.Desai, J

1. This application is filed under Section 439 of the Code of Criminal Procedure, 1973 for regular bail in connection with F.I.R. registered at C.R.

No.11186004200084 of 2020 registered with Prabhas Patan Police Station, District Gir Somnath for the offences punishable under Sections 302, 326,

323, 143, 147, 148, 149, 120(B) and 114 of the Indian Penal Code, 1860.

2. Learned advocate for the applicant submits that considering the nature of offence, the applicant may be enlarged on regular bail by imposing suitable conditions.

3. The learned APP opposes the grant of bail looking to the nature and gravity of offences.

4. Learned advocates appearing on behalf of the respective parties do not press for further reasoned order.

5. I have heard learned advocates appearing for the parties. Learned advocate appearing for the original complainant has strongly objected the present application. However, considering the offence as alleged in the FIR and also considering the nature of allegations made in the FIR and considering the role alleged to have been played by the applicant that he had sprinkled chilli powder as also the fact that the co-accused have been considered by Honâ??ble The Chief Justice of this Court vide order dated 02.06.2020 passed in Criminal Misc. Application No.7548/2020 and also considering the fact that investigation is over and charge-sheet is filed, I am 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 C.R. No.11186004200084 of 2020 registered with Prabhas Patan Police Station, District Gir Somnath, 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 he shall;

- [a] not take undue advantage of liberty or misuse liberty;
- [b] not act in a manner injurious to the interest of the prosecution;
- [c] surrender passport, if any, to the lower court within a week;
- [d] not leave the State of Gujarat without prior permission of the Sessions Judge concerned;
- [e] mark presence at the concerned Police Station between 1st and 10th day of every English Calendar month for a period of six between 11.00 a.m. and 2.00 p.m.;
- [f] 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;

6. The authorities shall adhere to its own Circular relating to COVID-19 and, thereafter, will 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.

7. Rule made absolute to the aforesaid extent. Direct service is permitted. Registry to communicate this order to the concerned Court/authority by Fax or Email forthwith.