

**(2023) 12 GUJ CK 0010**  
**In the Gujarat High Court**

**Case No :** R/Criminal Misc.Application (For Regular Bail - After Chargesheet) No. 13684 Of 2023

Azhar @ Kitli S/O Ismailbhai Shaikh

APPELLANT

Vs

State Of Gujarat

RESPONDENT

**Date of Decision :** 07-12-2023

**Acts Referred:**

Code Of Criminal Procedure, 1973 — Section 439

**Citation :** (2023) 12 GUJ CK 0010

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

**Bench :** Single Bench

**Advocate :** DP Kinariwala, AV Nair, Jk Shah, Jigar B. Oza

**Final Decision :** Allowed

## Judgement

M. R. Mengdey, J

Mr.Shah, 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 Part-A C.R.No.11191028210641 of 2021 registered with Vejalpur Police Station, Dist.Ahmedabad (Rural).

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.

3.1 Learned advocate Mr.Jigar B. Oza appearing for the original first informant has opposed the present application contending that there are as many as 6 offences registered against the present applicant after the GUJCTOC Act, 2015 has come into force which shows that applicant has continuously and actively

participated in such unlawful activities. He, therefore, prayed to dismiss the present application.

3.2 Learned APP appearing for the respondent State authority opposed the present application contending that the applicant has continued with unlawful activities after the GUJCTOC Act has come into force and 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 applicant has been arrested in commission of offence on 28.04.2021. The role attributed to the present applicant is to the effect that he had shown knife to the victim and had demanded rand-some of Rs.50/- Lakhs. The other co-accused person with the similar has been considered for grant of bail by the learned sessions Court. 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

(h) shall mark his presence before the concerned police station once in every month till the conclusion of trial;

(i) shall not enter city of Ahmedabad till the trial is over except for purpose of marking presence and attending the trial proceedings.

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 only if the Applicant is 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.