

(2011) 01 GUJ CK 0001
In the Gujarat High Court

Case No : Criminal Miscellaneous Application No. 44 of 2011 in Criminal Appeal No. 169 of 2007

Bachu Khimajibhai

APPELLANT

Vs

State of Gujarat and Another

RESPONDENT

Date of Decision : 01-01-2011

Acts Referred:

Penal Code, 1860 (IPC) — Section 306, 498(A)

Citation : (2011) 01 GUJ CK 0001

Hon'ble Judges : Bankim N. Mehta, J;A.M. Kapadia, J

Bench : Division Bench

Advocate : In Jail, for the Appellant; L.B. Dabhi, Assistant Public Prosecutor for Respondent 1, for the Respondent

Final Decision : Dismissed

Judgement

A.M. Kapadia, J.—Rule. Mr. LB Dabhi, learned Addl. Public Prosecutor waives service of notice of rule on behalf of the Respondent - State of Gujarat.

2. Having regard to the facts of the case, the application is taken up for hearing today.

3. The applicant - convict prisoner, who, by judgment and order dated 29.11.2006 rendered in Sessions Case No. 214 of 2004 by the learned Additional Sessions Judge, Dahod, has been convicted for the offence punishable under Sections 306 and 498A of the Indian Penal Code and sentenced to RI for 10 years, has filed this application through jail authority, praying to enlarge him on temporary bail for a period of 30 days, to enable him to attend the after death ceremony of his father, who has died on 17.1.2008.

4. Having heard Mr. LB Dabhi, learned APP for the Respondent - State of Gujarat and upon perusal of the averments made in the application so also the jail remark sheet, since the father of the applicant has died way back in January 2008, we are not inclined to grant temporary bail to the applicant. Therefore, the

application deserves to be rejected.

5. For the foregoing reasons, the application fails and it is accordingly rejected.
Rule is discharged.