
(2001) 02 SC CK 0174

In the Supreme Court Of India

Case No : Criminal Appeal No. 199 of 2000

Dharmendra Chandulal Patel

APPELLANT

Vs

State of Gujarat

RESPONDENT

Date of Decision : 16-02-2001

Acts Referred:

Citation : (2001) 2 ACR 1509 : AIR 2002 SC 395 : (2001) AIRSCW 5184 :
(2002) CriLJ 943 : (2001) 5 JT 410 : (2002) 5 Supreme 160

Hon'ble Judges : R. P. Sethi, J;K. T. Thomas, J

Bench : Division Bench

Final Decision : Disposed Of

Judgement

1. Leave granted.

2. The appellant is the third accused in the case where deceased Arvindbhai Patel was shot dead. The appellant is the son-in-law of first accused - Amaratbhai Bholidas Patel, The allegation is that pursuant to series of altercations and skirmishes the father (Amrit Lal) had shot his son (deceased) dead. When second accused Virendra Amrutbhai Patel moved for bail we granted an order by imposing some conditions on him as per order dated 27-11-2000 in Criminal Appeal No. 1016 of 2000. The application for bail was opposed by the State and hence the High Court refused bail as per the impugned order.

3. Appellant was arrested on 24-2-2000 and he is continuing in jail till now. The role attributed to this appellant is that he made an oral exhortation. Contentions have been advanced by Mr. R.K. Jain, learned Senior Counsel in favour of releasing the appellant on bail since he is already under incarceration for a long period. The State as well as the widow of the deceased opposed the application before us through their respective counsel engaged. We refrain from expressing any comment on the merits of the contentions as we did while passing the order in Criminal Appeal No. 1016/2000. Without prejudice to the aforesaid contentions we order that this appellant to be released on bail provided he will abide by the

following conditions :--

1. Appellant will surrender his passport before the trial court;
2. Appellant will file an affidavit before the trial court, stating:
 - i) that he would not enter within the limits of the State of Gujarat without permission from the trial Judge; and
 - ii) full address of the place where he would be residing during the time he is on bail.
3. As the widow of the deceased expressed apprehensions that the appellant would hurl threats to her and her children we impose a further condition that he shall incorporate an averment in the affidavit to be filed in the trial court that he would not cause anything by which the widow or her children or her kith and kin will have any room for such fear.
4. He shall not do anything directly or indirectly to influence the witnesses for the prosecution nor to tamper with the evidence to the adduced against him.
4. If he is prepared to abide by the above conditions he shall be released on bail on executing a bond with two solvent sureties to the satisfaction of the learned Sessions Judge, Ahmedabad (Rural at Mirjapur) which is said to be the trial court for trial of the this matter.
5. This appeal is disposed of accordingly.