

(2022) 06 GUJ CK 0163

In the Gujarat High Court

Case No : R/Criminal Misc.Application No. 10822 Of 2022

Gafulbhai Chudabhai Rabari

APPELLANT

Vs

Government Of Gujarat

RESPONDENT

Date of Decision : 27-06-2022

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 439
Indian Penal Code, 1860 — Section 120B, 406, 420

Citation : (2022) 06 GUJ CK 0163

Hon'ble Judges : Ilesh J. Vora, J

Bench : Single Bench

Advocate : Hardik J Jani, Ashish M Dagli, Krina Calla

Judgement

Ilesh J. Vora, J

1. Heard Mr. N.D.Nanavaty, learned Senior Counsel assisted by Mr. Hardik Jani, learned counsel for the applicant, Mr. Malay Patel for Mr. Ashish M. Dagli, learned counsel for the complainant and Ms. Krina Calla, learned APP for the State.

2. The applicant, by way of this application filed under Section 439 of the Code of Criminal Procedure, seeks regular bail in connection with the FIR being C.R. No. 11211005220103 of 2022 registered with Patdi Police Station, Dist. Surendranagar, for the offences punishable under Sections 406, 420 and 120B of Indian Penal Code.

3. It is the submission of learned counsel for the applicant that he is suffering confinement since 23.05.2022. He further submitted that the accused Nos.1 & 2 and complainant have settled their dispute. Hence, further detention of the applicant is unwarranted.

4. Learned APP has opposed the bail application contending that, considering the conduct of the applicant and nature of accusation, the discretion may not be exercised in favour of the applicant.

5. Considering the order dated 23.06.2022 passed by a coordinate Bench of this Court and a registered cancellation deed dated 24.06.2022, it appears that the complainant and accused Nos.1 and 2 have settled their dispute and reversed the entire transaction as alleged in the FIR. The applicant is in custody since 23.05.2022. The applicant does not have past criminal record. In these facts and circumstances of the case as well as considering the role of the applicant, matter deserves consideration.

6. Hence, the applicant is ordered to be released on regular bail in connection with the FIR being C.R. No. 11211005220103 of 2022 registered with Patdi Police Station, Dist. Surendranagar on executing a personal bond of Rs.10,000/- (Rupees Ten thousands only) each with one surety of the like amount to the satisfaction of the learned Trial Court and subject to the conditions that he shall:

No.

Conditions

(a)

not take undue advantage of liberty or misuse liberty;

(b)

not act in a manner injurious to the interest of the prosecution;

(c)

Not leave India without permission of the trial Court concerned

(d)

surrender passport, if any, to the lower court within a week;

(e)

furnish latest address of residence along with cell number to the Investigating Officer and also to the Court within week from actual release and shall not change the residence without prior permission of the trial Court;

7. The authorities shall release the applicant if he is not required in connection with the any other offence. If breach of any above condition is committed, the Sessions Judge concerned shall take appropriate action or issue warrant against the applicant. The bail bond to be executed before the learned trial Court having jurisdiction to try the case. It will be open for the sessions judge concerned to delete, modify and/or relax any of the above conditions, in accordance with law. Nothing stated hereinabove, shall tantamount to the expression of any opinion on the merits of this case.

Rule is made absolute to the aforesaid extent.

Direct service permitted.