

**(2021) 11 GUJ CK 0014**

**In the Gujarat High Court**

**Case No : R/Criminal Misc.Application No. 17913 Of 2021**

Irshadbhai Ahemad Husain Ahem (Original Name -  
Irshadbhai Ahemad Husain Ahemad)

APPELLANT

Vs

State Of Gujarat

RESPONDENT

---

**Date of Decision : 11-11-2021**

**Acts Referred:**

Code Of Criminal Procedure, 1973 — Section 439

Indian Penal Code, 1860 — Section 114, 120(B), 379, 408, 413

**Citation : (2021) 11 GUJ CK 0014**

**Hon'ble Judges : Hemant M. Prachchhak, J**

**Bench : Single Bench**

**Advocate : Mohddanish M Barejia, Jirga Jhaveri**

**Final Decision : Allowed**

---

## **Judgement**

Hemant M. Prachchhak, J

1. This bail application is filed under Section 439 of the Code of Criminal Procedure for regular bail in connection with an offence being FIR No.11214021211045 of 2021 registered with Kosamba Police Station, Surat for the offence punishable under Sections 379, 408, 413, 120(B) and 114 of the Indian Penal Code.

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

3. Learned Additional Public Prosecutor appearing on behalf of the respondent-State has opposed grant of regular bail looking to the nature and gravity of the offence.

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

5. I have heard learned advocates appearing on behalf of the respective parties and considered the allegations levelled against the applicant and the role played by the applicant.

6. In the facts and circumstances of the case and considering the nature of allegations made against the applicant in the FIR, without discussing the evidence in detail, prima facie, this Court is of the opinion that this is a fit case to exercise the discretion and enlarge the applicant on regular bail. Hence, the present application is allowed and the applicant is ordered to be released on regular bail in connection with an offence being FIR No.11214021211045 of 2021 registered with Kosamba Police Station, Surat, on executing a personal bond of Rs.15,000/-(Rupees Fifteen Thousand Only) with one surety of the like amount to the satisfaction of the learned 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 India without prior permission of the Sessions Judge concerned;

[e] mark presence before the concerned Police Station every week for a period of six months only, between 10:00 a.m. and 2:00 p.m.;

[f] furnish latest address of residence to the Investigating Officer 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;

7. The Authorities 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 learned 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, learned 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. Rule is made absolute to the aforesaid extent.

Direct service is permitted.