

(2020) 07 GUJ CK 0067

In the Gujarat High Court

Case No : R/Criminal Misc.Application No. 9698 Of 2020

Jashodaben Ramanbhai Jadav

APPELLANT

Vs

State Of Gujarat

RESPONDENT

Date of Decision : 21-07-2020

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 439

Indian Penal Code, 1860 — Section 120B, 465, 467, 468, 471

Citation : (2020) 07 GUJ CK 0067

Hon'ble Judges : Vipul M. Pancholi, J

Bench : Single Bench

Advocate : Kaash K Thakkar, Chintan Dave

Final Decision : Allowed

Judgement

Vipul M. Pancholi, J

1. Rule. Learned APP Mr. Chintan Dave waives service of Rule on behalf of the respondent State.

2. The present application is filed under Section 439 of the Code of Criminal Procedure, 1973, for regular bail in connection with FIR being

C.R.No.11197057200305 registered with Waghodiya Police Station, District Vadodara Rural for offence under Sections 465, 467, 468, 471 and 120- B

of the Indian Penal Code.

3. Learned Advocate appearing on behalf of the applicants submits that considering the nature of the offence, the applicants may be enlarged on regular bail by imposing suitable conditions.

4. Learned APP appearing on behalf of the respondent- State has opposed grant of regular bail looking to the nature and gravity of the offence.

5. Learned Advocates appearing on behalf of the respective parties do not press for further reasoned order.

Â 6. Having heard the learned advocates for the parties and perusing the material placed on record and taking into consideration the facts of the case, nature of allegations, gravity of offences, role attributed to the accused, without discussing the evidence in detail, this Court is of the opinion that this is a fit case to exercise the discretion and enlarge the applicants on regular bail.

7. This Court has considered following aspects,

- (a) applicant no. 1 is a lady accused aged about 64 years;
- (b) applicants are in jail since 24.06.2020;
- (c) remand period is over and investigation is almost concluded qua applicants;
- (d) case of the prosecution rests on documentary evidence;
- (e) documents are already in possession of the investigating officer;
- (f) dispute is with regard to the property in question and civil proceedings are pending before the concerned Court;
- (g) case is triable by the Court of Magistrate;
- (h) it is submitted by learned advocate for the applicants that matter is settled out of court;
- (i) I have also considered the role attributed to the applicants;

Looking to the overall facts and circumstances of the present case, I am inclined to consider the case of the applicants.

8. This Court has also taken into consideration the law laid down by the Hon'ble Apex Court in the case of Sanjay Chandra Vs. Central Bureau of Investigation, reported in [2012] 1 SCC 40.

9. Hence, the present application is allowed. The applicants are ordered to be released on regular bail in connection with FIR being

C.R.No.11197057200305 registered with Waghodiya Police Station, District Vadodara Rural on executing a personal bond of Rs.10,000/- (Rupees

Ten Thousand only) each with one surety of the like amount to the satisfaction of the trial Court and subject to the conditions that they 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 concerned trial court;

[e] mark presence before the concerned Police Station between 1st to 10th day of every English calendar month for a period of six months between

11:00 a.m. and 2:00 p.m.;

[f] furnish the present 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 the concerned trial court;

10. The authorities shall adhere to its own circular regarding Covid-19 and thereafter release the applicants only if they are 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 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.

11. At the trial, the Trial Court shall not be influenced by the prima facie observations made by this Court in the present order.

12. Rule is made absolute to the aforesaid extent. Direct service is permitted. Registry to communicate this order to the concerned Court/Authority

through Fax or Email.