

(2020) 02 GUJ CK 0017

In the Gujarat High Court

Case No : R/Criminal Misc.Application No. 1987 Of 2020

Jhala Siddhrajsinh Kalubha

APPELLANT

Vs

State Of Gujarat

RESPONDENT

Date of Decision : 07-02-2020

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 439

Indian Penal Code, 1860 — Section 224, 307, 332, 333, 337, 353, 395, 397, 504

Gujarat Police Act, 1951 — Section 135

Citation : (2020) 02 GUJ CK 0017

Hon'ble Judges : A.J.Desai, J

Bench : Single Bench

Advocate : Hardik P Barot, JK Shah

Final Decision : Allowed

Judgement

A.J.Desai, J

1. This successive bail application is filed under Section 439 of the Code of Criminal Procedure for regular bail in connection with an offence being

C.R.No.I- 41 of 2019 registered with Sathal Police Station, Mehsana, for the offences punishable under Sections 307, 395, 397, 332, 333, 337, 224,

504, 353, etc. of the Indian Penal Code and Section 135 of the G.P.Act.

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 further 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. I have also considered the fact that charge-sheet is filed and co-accused, who has played similar role, has been enlarged on bail by this Court vide order dated 17/01/2020 in Criminal Misc. Application No.23636 of 2019.

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 C.R.No.Iâ?

41 of 2019 registered with Sathal Police Station, Mehsana, on executing a personal bond of Rs.10,000/- (Rupees Ten thousands 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 State of Gujarat without prior permission of the Sessions Judge concerned;

Â [e] mark presence before the concerned Police Station on any day of first week of each English Calendar Month for a period of six months and

thereafter on any day of first week of three English Calendar Months for three years;

[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.