

(2021) 05 GUJ CK 0011
In the Gujarat High Court
Case No : R/Criminal Appeal No. 512 Of 2021

Jinabhai Jilabhai Rabari

APPELLANT

Vs

State Of Gujarat

RESPONDENT

Date of Decision : 04-05-2021

Acts Referred:

Scheduled Castes And Scheduled Tribes (Prevention Of Atrocities) Act, 1989 — Section 3(1)(r), 3(1)(s), 3(2)(vA), 14(A)(2)
Indian Penal Code, 1860 — Section 114, 323, 325, 504
Gujarat Police Act, 1951 — Section 135

Citation : (2021) 05 GUJ CK 0011

Hon'ble Judges : Vipul M. Pancholi, J

Bench : Single Bench

Advocate : Sajid Y Kariyaniya, Ronak Raval

Final Decision : Allowed

Judgement

Vipul M. Pancholi, J

1. Rule. Learned APP waives service of notice of Rule for respondent No.1- State. Though notice is served, nobody has filed appearance on behalf

of respondent No.2.

2. By way of the present appeal under Section 14 (A) (2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, the

appellants-accused have prayed for regular bail in connection with the FIR being C.R.No.11211035210070 of 2021 registered with Muli Police Station,

District Surendranagar, for the offenses punishable under Sections 323, 325, 504 and 114 of the Indian Penal Code, Section 135 of the Gujarat Police

Act and under Sections 3(1)(r), 3(1)(s) and 3(2)(v-A) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

3. Learned Advocate appearing on behalf of the appellants submits that considering the nature of the offence, the appellants 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.

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 appellants on regular bail.

7. This Court has considered following aspects,

(a) the appellants are in Jail since 01.04.2021;

(b) investigation is almost over qua the appellants;

(c) I have considered the role attributed to the appellants;

(d) It is submitted by the learned advocate for the appellants that there are no previous history of criminal antecedents;

Looking to the over all facts and circumstances of the present case, I am inclined to consider the case of the appellants.

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 appeal is allowed. The appellants are ordered to be released on regular bail in connection with FIR being

C.R.No.11211035210070 of 2021 registered with Muli Police Station, District Surendranagar, on executing 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 will shall adhere to its own circular regarding Covid-19 and thereafter release the appellants 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.