

**(2021) 10 GUJ CK 0066**  
**In the Gujarat High Court**

**Case No :** Criminal Misc.Application (Temporary Bail) No.1 Of 2021 In R/Criminal Appeal No.1240 Of 2021

Kalpeshbhai Navinbhai Chaudhari

APPELLANT

Vs

Jail Superintendent

RESPONDENT

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**Date of Decision :** 25-10-2021

**Acts Referred:**

Indian Penal Code, 1860 — Section 302

**Citation :** (2021) 10 GUJ CK 0066

**Hon'ble Judges :** A.J.Desai, J;Sandeep N. Bhatt, J

**Bench :** Division Bench

**Advocate :** Mitesh Amin

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**Judgement**

A. J. Desai, J

1. Rule. Learned Additional Public Prosecutor waives service of rule on behalf of respondent - State.
2. By way of the present application preferred through Jail, the applicant - convict has prayed to release him on temporary bail on the ground of carrying out agricultural activities.
3. We have gone through the Jail record of the convict and perused the documents produced along with the application as well as considered the averments made in this application. The applicant is convicted mainly for the offence punishable under Section 302 of the Indian Penal Code and ordered to undergo life imprisonment. As per Jail record, he has undergone sentence of about 2 years and 10 months. We have also considered the fact that in past, he was released on temporary bail and he has surrendered in time. His jail conduct is found to be good.
4. Considering the aforesaid facts and circumstances of the case and looking to the jail record of the convict, we are of the opinion that the application requires consideration and the same is allowed. The convict shall be released on

temporary bail for a period of ten days from 28.10.2021, on executing personal bond of Rs.10,000/- (Rupees Ten Thousand Only) before the Jail authority and on usual terms and conditions as may be imposed by the Jail Authority. The applicant to mark his presence before the concerned Police Station once in a week during his temporary release period. The applicant convict to surrender before Jail Authority on completion of temporary bail period, without fail. Rule is made absolute to the aforesaid extent.

5. After the completion of temporary bail period, the Jail Authorities shall admit the applicant in jail after strictly following the Circular dated 03.06.2020 relating to COVID-19 issued by the Superintendent of Jail, Ahmedabad.

Registry is directed to communicate this order to the concerned Jail Authority by fax / email message forthwith.