

(2020) 07 GUJ CK 0125

In the Gujarat High Court

Case No : R/Criminal Misc. Application No. 2794, 4279 Of 2020

Kaushik Ramswarupbhai Soni

APPELLANT

Vs

State Of Gujarat

RESPONDENT

Date of Decision : 30-07-2020

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 439

Indian Penal Code, 1860 — Section 114, 120(B), 406, 420

Citation : (2020) 07 GUJ CK 0125

Hon'ble Judges : A.Y. Kogje, J

Bench : Single Bench

Advocate : N.K.Majmudar, Maulik M Soni, Bhunesh C Rupera, Ronak Raval

Final Decision : Allowed

Judgement

A.Y. Kogje, J

1. The present applications are filed under Section 439 of the Code of Criminal Procedure, 1973, for regular bail in connection with the I-C.R.No.103

of 2019 registered with Satelite Police Station, Ahmedabad of the offence punishable under Sections 406, 420, 120(B) and 114 of the Indian Penal Code.

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

3. Learned APP 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 the learned advocates appearing on behalf of the respective parties and perused the papers. Following aspects are considered:-

I. The FIR is registered on 20.10.2019 for the offence which is alleged to have taken place on 30.08.2019.

II. The applicants are in jail since 21.10..2019.

III. Investigation is concluded and charge-sheet is filed.

IV. The co-accused have been enlarged and hence by applying the principle of parity.

V. Considering the nature of offence and maximum sentence that can be imposed.

VI. Submission of learned advocate for the applicants, under the instructions, that the applicants are ready and willing to deposit certain amount before the trial Court.

VII. Learned APP under instructions of IO is unable to bring on record any special circumstances against the applicant.

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

7. In the facts and circumstances of the case and considering the nature of the allegations made against the applicants 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 applicants on regular bail.

8. Hence, the present applications are allowed. The applicants are ordered to be released on regular bail in connection with I-C.R.No.103 of 2019

registered with Satellite Police Station, Ahmedabad 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 & shall not obstruct or hamper the police investigation and shall not to play mischief

with the evidence collected or yet to be collected by the police;

(c) surrender passport, if any, to the Trial Court within a week;

(d) not leave the State of Gujarat without prior permission of the Trial Court concerned;

(e) mark presence before the concerned Police Station once in a month for a period of six months between 11.00 a.m. and 2.00 p.m.;

(f) furnish the present address of his 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 Trial Court;

(g) To deposit an amount of Rs.50,000/- (each) within a period of one week of their release before the concerned trial Court and an amount of

Rs.1,50,000/- (each) within a period of two months thereafter i.e. on or before 07.10.2020 before the trial Court. The applicants are also permitted to

deposit such amount by one line transfer.

9. The authorities will 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.

10. 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 observations of preliminary nature qua the evidence at this stage made by this Court while

enlarging the applicant on bail.

12. Rule is made absolute to the aforesaid extent.

Direct service is permitted.