

(2022) 06 GUJ CK 0043

In the Gujarat High Court

Case No : R/Criminal Misc.Application No. 9139 Of 2022

Keshubhai Chhaganbhai Gohil

APPELLANT

Vs

State Of Gujarat

RESPONDENT

Date of Decision : 07-06-2022

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 439
Indian Penal Code, 1860 — Section 143, 147, 148, 149, 307, 323, 324, 325, 326,
504, 506(2)
Gujarat Police Act, 1951 — Section 135

Citation : (2022) 06 GUJ CK 0043

Hon'ble Judges : Ilesh J. Vora, J

Bench : Single Bench

Advocate : Vicky B Mehta, Vinod B Gupta, Krina Calla

Final Decision : Allowed

Judgement

Ilesh J. Vora, J

1. Leave to amend. Necessary Amendment be carried out forthwith.
2. Mr.Ankit Dixit, learned advocate states that he has instructions to appear for and on behalf of complainant. He is permitted to file his appearance.
3. Heard learned advocate for the respective parties.
4. Rule. Learned APP as well as learned advocate for the complainant waive service of notice of rule for and on behalf of respondent – State and complainant respectively.
5. The applicants, by way of this application filed under Section 439 of the Code of Criminal Procedure, seek regular bail in connection with the FIR being C.R.No.11192010220090 of 2022 registered with Bagodara Police Station, Dist.Ahmedabad Rural, for the offence punishable under Sections 143, 147, 148, 149, 323, 324, 325, 326, 504, 506(2) & 307 of the Indian Penal Code and

Section 135 of the G.P.Act.

6. It is the submission of learned counsel for the applicants that they are suffering confinement since 02.05.2022. Hence, further detention of the applicants are unwarranted.

7. Mr.Dixit, learned advocate for the complainant has tendered Affidavits duly sworn by the complainant as well as injured victims stating inter-alia the fact that the matter is amicably settled with the applicants and have no objection, if the applicants are released on regular bail. The same is taken on record.

8. Learned APP has opposed the bail application as well as settlement contending that, considering the conduct of the applicant and nature of accusation, the discretion may not be exercised in favour of the applicants.

9. Having carefully scrutinized the contents of the FIR as well as Affidavits duly sworn by the complainant as well as injured victims, it appears that after the incident, the parties have entered into compromise and the injured have already been discharged from the hospital. Pursuant to the settlement arrived at between the parties, the complainant as well as injured victim have filed affidavit, wherein they have given no objection to enlarge the applicants herein on regular bail. The prosecution has not pointed out that further custody of the applicants are necessary. There is no past incident of like nature against the applicants herein as submitted by learned advocate for the applicants. Under such circumstances, without expressing any opinion on the merits of the case, this Court is of the view that the applicants have made out a case of bail.

10. Hence, present application is allowed and the applicants are ordered to be released on regular bail in connection with the FIR being C.R.No.11192010220090 of 2022 registered with Bagodara Police Station, Dist.Ahmedabad Rural, on executing a personal bond of Rs.10,000/- (Rupees Ten thousands only) each, with one surety of the like amount to the satisfaction of the learned Trial Court and subject to the conditions that they shall;

No.

Conditions

(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 India without prior permission of the Sessions Judge concerned;

(e)

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 the trial Court;

11. The authorities shall release the applicants if they are not required in connection with the any other offences. If breach of any above condition is committed, the learned Sessions Judge concerned shall take appropriate action or issue warrant against the applicants. The bail bond to be executed before the learned trial Court having jurisdiction to try the case. It will be open for the sessions judge concerned to delete, modify and/or relax any of the above conditions, in accordance with law. Rule is made absolute to the aforesaid extent.

12. Nothing stated hereinabove, shall tantamount to the expression of any opinion on the merits of this case. Registry to send a copy of this order to the concerned Jail Authority as well as learned Sessions Court forthwith through fax and e-mail. Direct service is permitted.