

(2006) 07 GUJ CK 0027
In the Gujarat High Court

Case No : Criminal Miscellaneous Application No. 7751 of 2006

Ketan Kantilal Sheth

APPELLANT

Vs

State of Gujarat

RESPONDENT

Date of Decision : 21-07-2006

Acts Referred:

Citation : (2006) 07 GUJ CK 0027

Hon'ble Judges : A.L. Dave, J

Bench : Single Bench

Advocate : Abhaykumar P Shah, for the Appellant; Prachchak, Assistant Public Prosecutor, for the Respondent

Judgement

A.L. Dave, J.—Rule. Mr. Prachchak, learned Addl. Public Prosecutor for the State waives the service of notice of Rule.

2. Heard, learned Advocate for the applicant and learned A.P.P. for the opponent State.

3. Following aspect is considered.

Application deserves to be granted on ground of parity with co-accused Niraj Amidhar Surti, who has been admitted to bail by an order dated 30th June, 2006 passed in Criminal Misc. Application No. 2966 of 2006.

The applicant is ordered to be released on bail in connection with M. Case No. 3 of 2002 of Gandevi Police Station, on his executing a bond of Rs.1,00,000/- (Rupees One Lakh only) with one surety of the like amount to the satisfaction of the lower Court and subject to the following conditions that;

a) the applicant shall mark himself available for interrogation by police officer as and when required;

b) the applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade

him from disclosing such facts to the Court or to any police officer;

c) on every Saturday between 8:00 a.m. to 8:00 p.m., the present applicant shall appear before Valsad City Police Station and shall mark his presence.

d) the applicant shall surrender his passport before the Court concerned, if he has already not surrendered before any other Court and in case he surrendered the passport, then details shall be furnished by him before the concerned Court on oath. In case he receives the passport back in future before the conclusion of trial, the applicant shall surrender the same to the Court concerned.

e) the applicant shall declare the detailed residential address where he would be staying during the course of the trial and will not change his residence, without the prior permission of the trial Court.

4. The learned Judicial Magistrate shall examine and check all the documents which may be produced by a person who wants to stand as surety for the applicant for his satisfaction as to whether that person is in fact solvent or not and, thereafter it will be his judicial discretion that he may accept or refuse that person as surety for the applicant.

5. If breach of any of the above conditions is committed, the Sessions Judge concerned will be free to issue warrant or to take appropriate action in the matter.

6. Bail before the lower Court having jurisdiction to try the case.

7. Rule is made absolute. Direct Service is permitted.