
(2019) 08 GUJ CK 0064

In the Gujarat High Court

Case No : R/Criminal Misc. Application No. 12629 Of 2019

Kishanbhai Tejabhai Parmar

APPELLANT

Vs

State Of Gujarat

RESPONDENT

Date of Decision : 27-08-2019

Acts Referred:

Code Of Criminal Procedure 1973 — Section 439
Indian Penal Code, 1860 — Section 114, 307, 323, 325, 504
Gujarat Police Act, 1951 — Section 135(1)

Citation : (2019) 08 GUJ CK 0064

Hon'ble Judges : A.J. Desai, J

Bench : Single Bench

Advocate : C.R. Mishra, Krina Calla

Final Decision : Allowed

Judgement

A.J. Desai, J

1. This application is filed under Section 439 of the Code of Criminal Procedure, 1973 for regular bail in connection with an offence being CR. No. I-37 of 2019 registered with City A' Division Police Station, Jamnagar for the offences punishable under Sections 307, 325, 323, 504 and 114 of the Indian Penal Code, 1860 and section 135(1) of the Gujarat Police Act.

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

3. Learned Additional Public Prosecutor 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 learned advocates appearing on behalf of the respective parties and perused the papers of investigation and considered the allegations levelled against the applicant and the role played by the applicant.

6. In the facts and circumstances of the case and considering the nature of allegations made against the applicant in the FIR and considering the dispute amongst brothers and the fact that the injured has been discharged from the hospital way back in the month of May, 2019 itself i.e. within 10 days from the date of incident and the fact that applicant is behind bars since 06.06.2019, without going into detail at this stage, prima facie, this Court is of the opinion that this is a fit case to exercise the discretion and enlarge the applicant on regular bail. Hence, the present application is allowed and the applicant is ordered to be released on regular bail in connection with an offence being C.R. No. I-37 of 2019 registered with City 'A' Division Police Station, Jamnagar, on executing a personal bond of Rs. 10,000/- (Rupees Ten Thousand Only) with one local surety of the like amount to the satisfaction of the learned Trial Court and subject to the conditions that the applicant 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 State of Gujarat without prior permission of the Sessions Judge concerned;

[e] not enter the city of Jamnagar for a period of three months except for marking presence;

[f] mark presence before the concerned Police Station on every Monday for a period of three months and after entering into Jamnagar City, on any day of 1st week of every English Calendar Month till the trial is over; [g] 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 this Court;

7. The Authorities will release the applicant only if he is 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 learned 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. At the trial, learned 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. Rule is made absolute to the aforesaid extent.

8. Direct service is permitted.