

(2024) 05 GUJ CK 0063

In the Gujarat High Court

Case No : R/Criminal Misc.Application (For Regular Bail - After Chargesheet) No.
9232 Of 2024

Lakhansingh Girdharilal Mina

APPELLANT

Vs

State Of Gujarat

RESPONDENT

Date of Decision : 29-05-2024

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 439
Prevention Of Corruption (Amendment) Act, 2018 — Section 7, 13(1)(A), 13(2)

Citation : (2024) 05 GUJ CK 0063

Hon'ble Judges : M. K. Thakker, J

Bench : Single Bench

Advocate : N.D.Nanavati, Vicky B Mehta, Ashmita Patel

Final Decision : Allowed

Judgement

M. K. Thakker, J

1. Rule. Learned APP Ms. Ashmita Patel waives service of Rule on behalf of the respondent State.

2. The present application is filed under Section 439 of the Code of Criminal Procedure, 1973, for regular bail after filing of the charge-sheet in connection with FIR being C.R.No.2 of 2024 registered with Mahesana ACB Police Station for offence under Sections 7, 13(1)(A), 13(2) of the Prevention of Corruption Act(Amended), 2018.

3. Learned senior advocate Mr.Nanavati appearing for the applicant submits that considering the nature of the offence, the applicant may be enlarged on regular bail by imposing suitable conditions.

4. Learned APP Ms.Patel appearing on behalf of the respondent-State has opposed grant of regular bail looking to the nature and gravity of the offence.

5. Learned Advocates appearing on behalf of the respective parties do not press

for further reasoned order.

6. Having heard the learned advocates for the respective parties and perusing the material placed on record and taking into consideration the facts of the case, nature of allegations, gravity of offences, role attributed to the accused as well as on considering the following aspects this Court is inclined to grant regular bail to the applicant.

(a) maximum punishment is upto 10 years for the offenses mentioned in the FIR.

(b) applicant is the Assistant Audit Officer, Class-II and he is in custody from 27.02.2024.

(c) No any criminal antecedents reported by the learned APP against the present applicant.

(d) It is reported by the learned APP that the charge-sheet is filed.

In the facts and circumstances of the present case, this Court is inclined to consider the case of the applicant.

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

8. Hence, the present application is allowed. The applicant is ordered to be released on regular bail in connection with FIR being C.R.No.2 of 2024 registered with Mahesana ACB Police Station for offence under Sections 7, 13(1)(A), 13(2) of the Prevention of Corruption Act(Amended), 2018 on executing a personal bond of Rs.10,000/- (Rupees Ten Thousand only) with one surety of the like amount to the satisfaction of the 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 his passport, if any, to the lower court within a period of one week from the date of his actual release;

[d] not leave the India without prior permission of the concerned trial court;

[e] mark presence before the concerned Police Station between 1st to 10th day of every English calendar month for a period of six months between 11:00 a.m. and 2:00 p.m.;

[f] furnish the present 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 concerned trial court;

9. 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 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.

10. At the trial, the Trial Court shall not be influenced by the prima facie observations made by this Court in the present order.

11. Rule is made absolute to the aforesaid extent. Direct service is permitted.