

(2021) 06 GUJ CK 0069
In the Gujarat High Court

Case No : Criminal Misc.Application (Temporary Bail) No. 8 Of 2021 In R/
Criminal Appeal No. 1491 Of 2018

Madevabhai Popatbhai Akhiyani (Koli) APPELLANT

Vs

Jail Superintendent RESPONDENT

Date of Decision : 10-06-2021

Acts Referred:

Citation : (2021) 06 GUJ CK 0069

Hon'ble Judges : Sonia Gokani, J;Rajendra M. Sareen, J

Bench : Division Bench

Advocate : CM Shah

Final Decision : Allowed

Judgement

Sonia Gokani, J

1. Rule returnable forthwith. Learned Additional Public Prosecutor Ms. Shah waives service of notice of rule for and on behalf of the respondent â?

State.

2. This is an application seeking temporary bail for a period of 90 days on the ground of assisting the family financially which consist of aged mother of

80 years and young children, the eldest of them is 16 years of age. The applicant has undergone 3 years and 4 months in jail. The applicant is also

aggrieved by the fact that due to pandemic on account of Covid-19 virus, the help from the relatives also has nearly stopped.

3. On hearing learned APP and also on perusal of the material on record, there appears to be a genuine ground. Noticing the advanced age of the

mother and young age of children, we are inclined to consider his case.

4. Let his test of COVID-19 virus be carried out and only subject to his testing

negative, this order shall operate in his case.

5. Resultantly, we are inclined to consider the request of the applicant as "convict for a period of Fifteen (15) Days from the date of his actual release,

on his executing the personal bond of Rs. 15,000/- (Rupees Fifteen Thousand Only) and furnishing one surety of the like amount before the jail

authority concerned.

5.1. While on temporary bail, (i) the applicant shall in any manner, not act in contravention to the prevalent law; (ii) the applicant shall maintain law and

order and shall follow the guidelines issued by the Government in the present times of COVID-19; (iii) the applicant shall not move out of the State of

Gujarat during the temporary bail period; (iv) the applicant shall not contact any of the prosecuting witnesses.

6. The applicant shall surrender before the jail authorities in time.

6.1. On his return, all the protocols shall be scrupulously followed which are required to be maintained by the jail authority.

7. The present application is allowed accordingly. Rule is made absolute in the aforesaid terms.

8. Registry is directed to send this order to the jail authority concerned through e-mode which, in turn, shall communicate the same to the person

concerned.