

(2011) 09 GUJ CK 0145
In the Gujarat High Court

Case No : Criminal Miscellaneous Application No. 13171 of 2011

Mahendrabhai Ambalal Shah

APPELLANT

Vs

State of Gujarat

RESPONDENT

Date of Decision : 20-09-2011

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 439
Immoral Traffic (Prevention) Act, 1956 — Section 4, 5, 6, 8, 9

Citation : (2011) 09 GUJ CK 0145

Hon'ble Judges : Z.K. Saiyed, J

Bench : Single Bench

Advocate : R.J. Goswami, for the Appellant; H.L. Jani, APP, for the Respondent

Final Decision : Allowed

Judgement

Z.K. Saiyed, J.—Rule. Mr. H.L. Jani, learned APP waives service of Rule on behalf of Respondent.

2. This application has been preferred u/s 439 of the Code of Criminal Procedure, in connection with the offence being CR No. II-396 of 2011 registered with Sector-21 Police Station, Gandhinagar for the offences u/s 4, 5, 6, 8 and 9 of Immoral Traffic (Prevention) Act, 1956.

3. Learned advocate for the applicant has contended that present applicant is wrongly booked by the police. He has contended that looking to the averments made in present application, applicant is required to be released on bail. However, learned APP has strongly opposed this application.

4. Having heard the Learned Counsel for both the sides and looking to the facts and circumstances of the case, statement of the witnesses and the fact that there is no definite allegation made against the applicant, without going into the merits of the matter, I am inclined to grant bail to the applicant.

5. Considering the above, this application is allowed. The applicant is ordered to

be released on bail in connection with CR No. II-396 of 2011 registered with Sector-21 Police Station, Gandhinagar for the offence alleged against him in this application on his executing a Bond of Rs. 10,000/- (Rupees ten thousand only) with one solvent surety of the like amount to the satisfaction of the trial Court and subject to the conditions that he shall-

- a) not take undue advantage of his liberty or abuse his liberty;
- b) not to try to tamper or pressurise the prosecution witnesses or complainant in any manner;
- c) maintain law and order and should cooperate the Investigating Officers;
- d) not act in a manner injurious to the interest of the prosecution;
- e) not leave the country without the prior permission of the concerned Sessions Judge.
- f) mark presence on last day of every English calender month between 11:00 a.m. to 12:00p.m. before the concerned police station till the trial against the applicant is over.
- g) furnish the address of his residence to the I.O. 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;
- h) surrender his passport, if any, to the lower Court within a week.

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

7. Bail before the lower Court having jurisdiction to try the case. It would be open to the trial Court concerned to give time to furnish the solvency certificate if prayed for.

8. Rule is made absolute. Direct service is permitted.