

(2022) 05 GUJ CK 0075

In the Gujarat High Court

Case No : R/Criminal Misc.Application No. 9024 Of 2022

Manulaben Dilipbhai Damore

APPELLANT

Vs

State Of Gujarat

RESPONDENT

Date of Decision : 19-05-2022

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 439
Indian Penal Code, 1860 — Section 308, 332, 353, 395, 427
Gujarat Police Act, 1951 — Section 135(1)
Gujarat Prohibition. Act, 1949 — Section 120(2)

Citation : (2022) 05 GUJ CK 0075

Hon'ble Judges : Samir J. Dave, J

Bench : Single Bench

Advocate : K I Kazi, Jirga Jhaveri

Final Decision : Allowed

Judgement

Samir J. Dave, J

1. Rule. Mr. Hardik Soni, learned APP waives service of notice of Rule on behalf of respondent-State.

2. This application is filed under Section 439 of the Code of Criminal Procedure for regular bail in connection with F.I.R. registered as C.R. No. Part-A-11196013220222 of 2022 with Sama Police Station, District Vadodara, for the offences punishable under Sections 332, 353, 395, 427, 308 etc. of the IPC and section 135(1) of the Gujarat Police Act and section 120(2) of the Prohibition Act.

3. Learned advocate for the applicants submits that considering the nature of offence, the applicants may be enlarged on regular bail by imposing suitable conditions.

4. The learned APP opposes the grant of bail looking to the nature and gravity of offences.

5. I have heard learned advocates appearing for the parties and perused the papers of investigation.

6. In the facts and circumstances of the case and considering the nature of allegations made in the FIR and without discussing the evidence in details as well as without going into details, prima-facie, this Court is of the opinion that this is a fit case to exercise the discretion to enlarge the applicants on bail. Hence, the application is allowed and the applicants are ordered to be released on bail in connection with C.R. No. Part-A – 11196013220222 of 2022 with Sama Police Station, District Vadodara, on executing a bond of Rs.10,000/- (Rupees Ten Thousand only) each with one surety of the like amount to the satisfaction of the trial Court and subject to the conditions that;

[a] they shall not take undue advantage of liberty or misuse liberty;

[b] they shall not act in a manner injurious to the interest of the prosecution;

[c] they shall surrender passport, if any, to the lower court within a week;

[d] they shall not leave the State of Gujarat without prior permission of the Sessions Judge concerned;

[e] they shall mark presence at the concerned police station on every Monday for a period of three months and thereafter on any day of first week of each English Calender Month for a period of one year;

[f] they shall furnish the present address of 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;

7. The Authorities will release the applicants only if they are 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. At the trial, the 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 applicants on bail.

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