

(2022) 11 GUJ CK 0001
In the Gujarat High Court

Case No : R/Criminal Misc.Application No. 20145 Of 2022

Navneetbhai Ambalal Patel

APPELLANT

Vs

State Of Gujarat

RESPONDENT

Date of Decision : 01-11-2022

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 439
Indian Penal Code, 1860 — Section 114, 406, 420

Citation : (2022) 11 GUJ CK 0001

Hon'ble Judges : Sandeep N. Bhatt, J

Bench : Single Bench

Advocate : Dipak B Patel, Hardik Soni, Shaili A Shah, Dharmik Barot

Final Decision : Allowed

Judgement

Sandeep N. Bhatt, J

1. Rule. Learned APP waives service of notice of Rule for and on behalf of the respondent – State.

2. The applicant, by way of this application filed under Section 439 of the Code of Criminal Procedure, seeks regular bail in connection with the FIR being C.R. No.11206045220600 of 2022 registered with Mehsana City Police Station, Dist.: Mehsana, for the offences punishable under Sections 406, 420 and 114 of the Indian Penal Code.

3. It is the submission of learned counsel for the applicant that the applicant is in judicial custody since 22.09.2022. He further submitted that considering the role attributed to the present applicant, the applicant may be enlarged on regular bail on any terms and conditions.

4. Learned APP and Ms.Shah, learned advocate for the complainant have opposed the bail application contending that, considering the conduct of the applicant and nature of accusation, the discretion may not be exercised in favour

of the applicant.

5. Having heard learned advocates for the respective parties and upon perusal of material placed on record, it appears that the entire transaction seems to be a business transaction. Learned advocate for the applicant, on instructions, states that the applicant is ready and willing to deposit an amount of Rs.11 lakhs before the Court concerned within a week from the release of the applicant and also file an Undertaking to this effect. Considering the role of the present applicant and bonafide shown by the applicant, I am inclined to enlarge the applicant on regular bail subject to deposit the amount as proposed by learned advocate for the applicant.

6. Hence, the bail application is allowed and the applicant is ordered to be released on regular bail in connection with the FIR being C.R. No.11206045220600 of 2022 registered with Mehsana City Police Station, Dist.: Mehsana, on executing a personal bond of Rs.10,000/- (Rupees Ten thousands only), with one surety of the like amount to the satisfaction of the learned Trial Court and subject to the conditions that he 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 India without prior permission of the Sessions Judge concerned; (e) 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 the trial Court; (f) mark presence before the concerned Police Station on every alternate Monday between 11:00 a.m. and 01:00 p.m. till filing of the charge-sheet. (g) deposit an amount of Rs.11 lakhs within a week from the date of his actual release and shall file an Undertaking before the Court concerned to that effect also within a week from his release. If the applicant is failed to deposit such amount, bail granted by this Court would stand cancelled automatically.

7. The authorities shall release the applicant if he is not required in connection with the any other offence. If breach of any above condition is committed, the Sessions Judge concerned shall take appropriate action or issue warrant against the applicant. The bail bond to be executed before the learned trial Court having jurisdiction to try the case. It will be open for the sessions judge concerned to delete, modify and/or relax any of the above conditions, in accordance with law. Nothing stated hereinabove, shall tantamount to the expression of any opinion on the merits of this case.

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