
(2019) 08 GUJ CK 0028

In the Gujarat High Court

Case No : R/Criminal Misc. Application No. 13748 Of 2019

Pankaj Ganpatbhai Trivedi

APPELLANT

Vs

State Of Gujarat

RESPONDENT

Date of Decision : 09-08-2019

Acts Referred:

Code Of Criminal Procedure 1973 — Section 439
Indian Penal Code, 1860 — Section 114, 406, 420, 465

Citation : (2019) 08 GUJ CK 0028

Hon'ble Judges : A.J. Desai, J

Bench : Single Bench

Advocate : Vaibhav N. Shethi, Rakesh Patel

Judgement

A.J. Desai, J

1. The present application is filed under Section 439 of the Code of Criminal Procedure for regular bail in connection with an offence being C.R. No. I-45 of 2017 registered with Gandhidham "B" Division Police Station, Kutch, for the offences punishable under Sections 406, 420, 465, 114, etc. of the Indian Penal Code.

2. Mr. Vaibhav Sheth, learned advocate appearing on behalf of the applicant, under the instruction, submits that the applicant is ready and willing to deposit an amount of Rs. 8,00,000/-(Rupees Eight Lacs) before the concerned Trial Court, subject to his rights and contentions, within a period of four months. He further submits that considering the nature of offence, the applicant may be enlarged on regular bail by imposing suitable conditions.

3. Learned Additional Public Prosecutor appearing on behalf of the respondent-State has opposed grant of regular bail looking to the nature and gravity of the offence.

4. Learned advocates appearing on behalf of the respective parties do not press for further reasoned order.

5. I have heard learned advocates appearing on behalf of the respective parties and considered the allegations levelled against the applicant and considered the fact that the applicant is behind bar since 12/09/2018. I have also considered the fact that charge-sheet is filed and the offences are triable by the learned Magistrate. This Court has also taken into consideration the law laid down by the Hon'ble Apex Court in the case of Sanjay Chandra v. Central Bureau of Investigation reported in (2012) 1 SCC 40.

6. In the facts and circumstances of the case and considering the nature of allegations made against the applicant in the FIR, without discussing the evidence in detail prima facie, this Court is of the opinion that this is a fit case to exercise the discretion and enlarge the applicant on regular bail. Hence, the present application is allowed and the applicant is ordered to be released on regular bail in connection with an offence being C.R. No. I-45 of 2017 registered with Gandhidham "B" Division Police Station, Kutch on executing a personal bond of Rs. 25,000/- (Rupees Twenty Five thousands only) with one local 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 the India without prior permission of the Sessions Judge concerned;

[e] furnish latest address of his 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 this Court;

[f] shall mark his presence with the concerned Police Station on every Monday for a period of six months and thereafter on any day of first week of every English Calendar Month till trial is over.

[g] shall deposit an amount of Rs. 8,00,000/- (Rupee Eight Lacs) before the concerned Trial Court in four equal installment of Rs. 2,00,000/- (Rupee Two Lacs) starting from 19/08/2019;

[h] shall file an undertaking within a period of one week that he shall deposit the aforesaid amount of Rs. 8,00,000/- before the concerned Trial Court;

7. 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 learned 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, learned 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 applicant on bail.

8. On depositing the aforesaid amount of Rs. 8,00,000/- (Rupee Eight Lacs) before the concerned Trial Court, the Court shall invest the same in any Nationalised Bank for a period of five years.

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