

(2012) 05 GUJ CK 0012
In the Gujarat High Court

Case No : Criminal Miscellaneous Application No. 7137 of 2012

Patel Mansukhbhai Madhubhai

APPELLANT

Vs

State of Gujarat

RESPONDENT

Date of Decision : 24-05-2012

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 439
Penal Code, 1860 (IPC) — Section 114, 324, 325, 504, 506(2)

Citation : (2012) 05 GUJ CK 0012

Hon'ble Judges : Anant S. Dave, J

Bench : Single Bench

Advocate : Devang Nanavati for Mr. Narendra L Jain and Mr. Vijay O Sharma, for the Appellant; KP Raval, APP for Respondent : 1, for the Respondent

Judgement

Honourable Mr. Justice Anant S. Dave

1. Rule. Learned APP, waives service of rule on behalf of respondent-State. This application is filed u/s 439 of the Code of Criminal Procedure in connection with first information report registered at CR No. I-30 of 2012 with Lakhtar Police Station, District: Surendranagar, for the offences punishable under Sections 324, 325, 504, 506(2) and 114 of the Indian Penal Code.

2. Learned counsel appearing for the applicant submits that the co-accused came to be enlarged by the learned Sessions Judge, Surendranagar, while the applicant, in the similar set of circumstances, was not enlarged by the learned Additional Sessions Judge, Surendranagar on the different consideration. It is further submitted that considering the role attributed to the applicant and nature of injuries by imposing the suitable conditions, he may be enlarged on bail and this application for bail may kindly be considered.

3. Heard learned APP for the respondent - State who opposed grant of bail looking to the nature and gravity of offence.

4. Having heard learned counsel for the parties and perusing the record of the

case and taking into consideration the above facts, nature of allegations, role attributed to the accused and punishment prescribed for the alleged offences, I am inclined to enlarge the applicant on bail.

5. Learned counsel for the parties do not press for further reasoned order.

6. In the facts and circumstances of the case, the application is allowed and the applicant is ordered to be released on bail in connection with first information report registered at CR No. I-30 of 2012 with Lakhtar Police Station, District: Surendranagar, on executing a bond of Rs. 5,000/- (Rupees Five Thousand only) with one 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 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 State of Gujarat without prior permission of the Sessions Judge concerned;

(e) mark presence at the concerned police station on the first Sunday of every month between 10.00 a.m. and 3.00 p.m. for three months only;

(f) 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;

(g) not enter into the jurisdictional limit of Lakhtar Police Station, Surendranagar for a period of three months except for marking presence or attending criminal trial, if any.

7. The Authorities will release the applicant only if not required in connection with any other offence for the time being.

8. 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.

9. Bail bond to be executed before the lower court having jurisdiction to try the case.

10. For modification and/or deletion of any of the conditions hereinabove, the applicant/s will be at liberty to approach the concerned Court and such Court shall decide the application for modification and/or deletion of any of the conditions of this order in accordance with law.

11. 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 applicant on bail. Rule is made absolute to the aforesaid extent. D.S. permitted.