

(2017) 05 GUJ CK 0045
In the Gujarat High Court
Case No : 11343 of 2017

RAJENDRAKUMAR CHANDUBHAI VASAVA

APPELLANT

Vs

STATE OF GUJARAT

RESPONDENT

Date of Decision : 16-05-2017

Acts Referred:

[Code of Criminal Procedure, 1973](#), [Section 439](#) - Special powers of High Court or Court of Session regarding bail
[Indian Penal Code, 1860](#), [Section 120B](#), [Section 420](#), [Section 468](#), [Section 471](#), [Section 467](#), [Section 465](#), [Section 406](#), [Section 474](#) - Punishment of criminal conspiracy - Cheating and dishonestly inducing delivery of property - Forgery for purpose of cheating - Using as genuine a forged document - Forgery of valuable security, will, etc - Punishment for forgery - Punishment for Criminal breach of trust - Having possession of document described in Sec. 466 or 467, knowing it to be forged and intending to use it as genuine

Citation : (2017) 05 GUJ CK 0045

Hon'ble Judges : Biren Vaishnav

Bench : Single Bench

Advocate : TANMAY B KARIA, J K SHAH

Judgement

1. The present application is filed under Section 439 of the Code of Criminal Procedure in connection with an offence being C.R.No.I-19 of 2017 registered with Chaklashi Police Station, District: Kheda for the offences punishable under Sections 406, 420, 465, 467, 468, 471, 474 and 120-B of the Indian Penal Code.
2. Learned Additional Public Prosecutor Shri J K Shah,

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

3. I have heard learned advocates appearing on behalf of the respective parties.

4. In the facts and circumstances of the case and considering the nature of allegations made in the First Information Report prima facie also do not disclose the name of the applicant. I am 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-19 of 2017 registered with Chaklashi Police Station, on executing a personal bond of Rs.5,000/- (Rupees Five 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 his liberty or misuse his liberty;

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

[c] surrender his 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 his presence before the concerned Police Station on alternate Monday for initial three months and thereafter, on first Monday

of every English calendar month, for a period of six months, between 10:00 a.m. and 2:00 p.m.;

[f] 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;

[g] the applicant shall not enter the limits of Chaklashi Police Station till the chargesheet is filed.

5. 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. Rule is made absolute to the aforesaid extent.

Direct service is permitted.