

(2019) 12 GUJ CK 0111
In the Gujarat High Court

Case No : R/Criminal Misc. Application No. 23077 Of 2019

Ramesh Kumbhabhai Sanjot (Harijan)	APPELLANT
Vs	
State Of Gujarat	RESPONDENT

Date of Decision : 20-12-2019

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 439
Indian Penal Code, 1860 — Section 114, 279, 304, 337, 338
Motor Vehicles Act, 1988 — Section 3, 5, 134, 177, 181, 184

Citation : (2019) 12 GUJ CK 0111

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

Bench : Single Bench

Advocate : Darshan M Varandani, LB Dabhi

Final Decision : Allowed

Judgement

A.J.Desai, J

1. This successive application is filed under Section 439 of the Code of Criminal Procedure, 1973 for regular bail in connection with an offence being

C.R. No.IA48 of 2019 registered with Mankuva Police Station, Kachchh (E), Bhuj for the offences punishable under Sections 304, 279, 337, 338 and

114 of the Indian Penal Code, 1860 and Sections 3, 5, 134, 177, 181 and 184 of the Motor Vehicles Act.

2. Learned advocate appearing on behalf of the applicant 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 perused the papers of investigation and considered the allegations

levelled against the applicant and the role played by the applicant.

6. In the facts and circumstances of the case and considering the nature of allegations made against the applicant in the FIR and considering the fact

that investigation is over and charge sheet has been filed and considering the manner and method in which the accident took place, without going into

detail at this stage, 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. 48

of 2019 registered with Mankuva Police Station, Kachchh (E), Bhuj, on executing a personal bond of Rs.10,000/- (Rupees Ten Thousand Only) with

one local surety of the like amount to the satisfaction of the learned Trial Court and subject to the conditions that the applicant 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 before the concerned Police Station on every Monday for a period of six months only and thereafter on any day of 1st week of

alternate English Calendar Month till the trial is over;

[f] 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 this 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. Rule is made absolute to the aforesaid extent.

Direct service is permitted.