

(2023) 04 GUJ CK 0021

In the Gujarat High Court

Case No : R/Special Criminal Application No. 4242 Of 2023

Ranjitbhai Savabhai Taviyad

APPELLANT

Vs

State Of Gujarat & 2 Other(S)

RESPONDENT

Date of Decision : 06-04-2023

Acts Referred:

Indian Penal Code, 1860 — Section 302

Citation : (2023) 04 GUJ CK 0021

Hon'ble Judges : Nikhil S. Kariel, J

Bench : Single Bench

Advocate : ?RC Kodekar

Final Decision : Allowed

Judgement

Nikhil S. Kariel, J

1. Rule returnable forthwith. Learned Additional Public Prosecutor Mr.R. C. Kodekar waives service of Rule on behalf of the respondent – State.

2. By way of this application, the applicant prays for being released on parole leave for the purpose of preferring appeal.

3. Jail remarks show that applicant had been convicted for the offences punishable under Section 302 of the Indian Penal Code and sentenced to life-imprisonment. It also appears that up till now, the applicant has undergone approximately 2 years and 6 months of incarceration. It also appears that the applicant has never been released on any kind of leave whatsoever herein before, including temporary bail. Jail conduct is stated to be good.

4. Considering the above circumstances, more particularly the period of incarceration the applicant has already undergone and the reason stated of preferring appeal, as also the fact that the applicant has never been released herein before, this Court is inclined to allow this application, albeit with appropriate safe guards, as the applicant is being released for the first time. The

applicant is directed to be released on parole leave for a period of 15 days from the date of actual release on executing personal bond of Rs.10,000/- (Rupees Ten Thousand) before the Jail authority and on usual terms and conditions as may be imposed by the Jail Authority. The applicant shall mark his presence on the 5th and 10th day of his release before the Sandrampur Police Station.

5. The applicant convict to surrender before Jail Authority on completion of parole leave, without fail. Rule is made absolute to the aforesaid extent. Registry is directed to communicate this order to the concerned Jail Authority by fax / email message forthwith.