

(2022) 07 GUJ CK 0076

In the Gujarat High Court

Case No : R/Criminal Misc.Application No. 9341 Of 2022

Sachin Balkrushnabhai Munjpara

APPELLANT

Vs

State Of Gujarat

RESPONDENT

Date of Decision : 20-07-2022

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 439
Indian Penal Code, 1860 — Section 380, 465, 467, 471

Citation : (2022) 07 GUJ CK 0076

Hon'ble Judges : Ilesh J. Vora, J

Bench : Single Bench

Advocate : Milan R Marut, Pm Lakhani, C.M.Shah

Final Decision : Allowed

Judgement

Ilesh J. Vora, J

1. Heard learned advocate for the applicant and learned APP for the respondent – State.
2. Rule. Learned APP waives service of notice of rule for and on behalf of respondent – State.
3. The applicant, by way of this application filed under Section 439 of the Code of Criminal Procedure, seeks regular bail in connection with the FIR Part-A being C.R.No.11198011211673 of 2021 registered with Gangajaliya Police Station, Dist. Bhavnagar for the offence punishable under Sections 380, 465, 467 & 471 of the Indian Penal Code.
4. It is the submission of learned counsel for the applicant that he is suffering confinement since 22.11.2021. Hence, further detention of the applicant is unwarranted.
5. Learned APP has opposed the bail application contending that, considering the conduct of the applicant and nature of accusation, the discretion may not be

exercised in favour of the applicant.

6. Upon bare perusal of the chargesheet case papers and materials available on record, it appears that during the course of investigation, Rs.8 lakhs has been recovered from the applicant herein. Prima facie, it appears that the entire case is based upon the documentary evidence. The applicant is in judicial custody since 22.11.2021. He does not have any past antecedent of like nature. After filing of the chargesheet, there is no progress in the trial proceedings. Under instructions, learned advocate for the applicant submitted that without prejudice to the rights and contentions of the applicant, he is ready and willing to deposit an amount of Rs.2,50,000/-. Under such circumstances, considering the facts of the present case and in view of the statement made at bar by learned advocate for the applicant, without expressing anything on the merits of the case, application deserves consideration. Accordingly, the application is allowed with a condition that the applicant shall deposit an amount of Rs.2,50,000/- before the learned trial Court concerned within a period of 10 days from his release.

7. Hence, present application is allowed and the applicant is ordered to be released on regular bail in connection with the FIR Part-A being C.R.No.11198011211673 of 2021 registered with Gangajaliya Police Station, Dist. Bhavnagar on executing a personal bond of Rs.10,000/- (Rupees Ten 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;

No.

Conditions

(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 India without prior permission of the Sessions Judge concerned;

(e)

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 the trial Court;

(f)

deposit an amount of Rs.2,50,000/- before the trial Court concerned within a period of 10 days from his release.

8. Upon deposition of the aforesaid amount, the trial Court is directed to invest the same, initially for a period of 2 years in FDR in any nationalized bank and shall renew the same from time to time till final outcome of the case.

9. The authorities shall release the applicant if he is not required in connection with the any other offences. If breach of any above condition is committed, the learned Sessions Judge concerned shall take appropriate action or issue warrant against the applicant. The bail bond to be executed before the learned trial Court having jurisdiction to try the case. It will be open for the sessions judge concerned to delete, modify and/or relax any of the above conditions, in accordance with law. Rule is made absolute to the aforesaid extent.

10. Nothing stated hereinabove, shall tantamount to the expression of any opinion on the merits of this case. Registry to send a copy of this order to the concerned Jail Authority as well as learned Sessions

Court forthwith through fax and e-mail.

Direct service is permitted.