

(2020) 11 GUJ CK 0025

In the Gujarat High Court

Case No : R/Criminal Misc.Application No. 17735 Of 2020

Shivshankar @ Tiya Nandi Dalai

APPELLANT

Vs

State Of Gujarat

RESPONDENT

Date of Decision : 19-11-2020

Acts Referred:

Citation : (2020) 11 GUJ CK 0025

Hon'ble Judges : Nirzar S. Desai, J

Bench : Single Bench

Advocate : Amit D Shah, Dhruvin U Mehta, Dharmesh Devnani

Final Decision : Allowed

Judgement

Nirzar S. Desai, J

1. Rule. Mr. Dharmesh Devnani, learned Additional Public Prosecutor waives service of notice of Rule on behalf of respondent â?" State.

2. Mr.Dhruvin Mehta, learned advocate for the applicant has submitted that in connection with the FIR being I-C.R.No.224 of 2018, dated 20.10.2018,

registered with Pandesara Police Station, Surat City, the applicant is in jail. By way of present application, applicant has prayed for his release on

temporary bail for a period of 30 days so as to enable him to attend his own marriage which is scheduled on 23.11.2020. Learned advocate has

submitted that in support of the reason shown in the application, marriage invitation card is annexed with the application. He has fairly submitted that

the learned Sessions Court, Surat has rejected his application for temporary bail vide order dated 13.11.2020 passed in Criminal Miscellaneous

Application No.5588 of 2020.

3. Mr.Devnani, learned APP resisted the application and opposed the grant of

temporary bail to the applicant. He has further submitted that in the past when the applicant was released on temporary bail, he was absconded for 77 days and, therefore looking to his conduct also present applicant may not be released on temporary bail.

4. On hearing both the parties and going through the contents of the application as well as the supporting annexures, I am of the opinion that let the applicant be released for few days looking to the reason of his own marriage which is fixed on 23.11.2020.

5. Accordingly, the present application is allowed. The applicant should undergo the test of COVID-19 virus on urgent basis and subject to testing negative, the applicant shall be released on temporary bail, with the police escort at the cost of the applicant himself, from 22.11.2020 to 24. 11.2020, on his executing the personal bond of Rs. 15,000/- (Rupees Fifteen Thousand Only) and furnishing TWO SURETIES of the like amount before the jail authority concerned.

6. While on temporary bail, (i) the applicant shall, in any manner, not act in contravention to the prevalent law; (ii) the applicant shall maintain law and order and shall follow the guidelines issued by the Government in the present times of COVID-19; (iii) the applicant shall not move out of the State of Gujarat during the temporary bail period; (iv) the applicant shall not contact any of the prosecuting witnesses.

7. The applicant shall surrender before the jail authorities on 24.11.2020 at 05:00 p.m. We expect that Jail Authority takes measures of Circular dated 07.07.2020 issued by the I.G. (Prison) in its true spirit.

8. The present application is allowed accordingly. Rule is made absolute in the aforesaid terms.

9. Registry is directed to send this order to the jail authority concerned through e-mode which, in turn, shall communicate the same to the person concerned.