
(2023) 11 GUJ CK 0050
In the Gujarat High Court

Case No : R/Criminal Misc.Application (For Temporary Bail) No. 20945 Of 2023

Shyamdipsinh Jitendrasinh @ Munnabhai Parmar APPELLANT
Vs

State Of Gujarat RESPONDENT

Date of Decision : 24-11-2023

Acts Referred:

Citation : (2023) 11 GUJ CK 0050

Hon'ble Judges : Vimal K. Vyas, J

Bench : Single Bench

Advocate : Palak Jadeja, Vicky B Mehta, Asmita Patel

Final Decision : Partly Allowed

Judgement

Vimal K. Vyas, J

1. RULE. Leaned Additional Public Prosecutor waives service of notice of Rule on behalf of the respondent-state.
2. The present application has been filed by the applicant-convict for temporary bail for a period of 15 days on the ground of marriage of his real sister, which is scheduled on 29.11.2023. The invitation card and order of learned trial Judge are appended along with the application.
3. It is stated that the applicant has approached the learned Sessions Court, Dhrangadhara by filing an application for temporary bail on the very same ground, which was partly allowed and the applicant was granted bail for a period of 3 days from 27.11.2023 to 30.11.2023.
4. Learned advocate Ms. Palak Jadeja for Mr. Vicky Mehta for the applicant submitted that the applicant being the only brother, he has to perform all the rituals of marriage of his sister and 3 days are not sufficient. She has therefore urged to allow this application.
5. Having heard the learned advocate for the applicant and learned APP for the

State and perusing the documentary evidence, it transpires that prior to filing of the present application, the applicant has approached the trial court by preferring the similar application, which was partly allowed by the trial Judge by the order dated 08.11.2023 in Criminal Misc. Application No. 395 of 2023. It is not in dispute that the marriage of sister of the applicant is scheduled on 29.11.2023 and the learned trial Court has granted temporary bail for a period of 3 days from 27.11.2023 to 30.11.2023 with Police surveillance unable the present applicant to perform the necessary rituals of the marriage of his sister. Learned trial Judge while passing the above order has specifically observed that the accused is a prime accused of the offence of murder and a head strong persons and his release on bail for a long time, there are chances of tempering with the evidence of the prosecution.

6. Accordingly the application is PARTLY allowed. The applicant-accused is ordered to be released on temporary bail for a same duration as granted by the trial Judge but without Police surveillance, on executing a personal bond of Rs.15,000/- (Rupees Fifteen Thousand Only) before the jail authority and on usual terms and conditions as may be imposed by the jail authority.

7. The applicant-accused shall surrender before the jail authority after completion of his temporary bail, without fail.

8. Rule made absolute to the aforesaid extent. Direct service is permitted.