

(2022) 06 GUJ CK 0135

In the Gujarat High Court

Case No : R/Criminal Misc.Application No. 10871 Of 2022

Tarunkumar Chhibubhai Patel

APPELLANT

Vs

State Of Gujarat

RESPONDENT

Date of Decision : 21-06-2022

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 439

Gujarat Prohibition Act, 1949 — Section 65(a)(e), 81, 98(2), 116(B)

Indian Penal Code, 1860 — Section 471

Citation : (2022) 06 GUJ CK 0135

Hon'ble Judges : Ilesh J. Vora, J

Bench : Single Bench

Advocate : K T Beladiya, Shruti Pathak

Final Decision : Allowed

Judgement

Ilesh J. Vora, J

1. Rule. Learned APP waives service of notice of Rule on behalf of respondent State. By consent, Rule is fixed forthwith.
2. The applicants, by way of this application filed under Section 439 of the Code of Criminal Procedure, seek regular bail in connection with the FIR being C.R. No.Part-C-11822021220746 of 2022 registered with Navsari Rural Police Station, Dist. Navsari, for the offences punishable under Sections 65(a)(e), 116(B), 81 and 98(2) of the Prohibition Act and Section 471 of the IPC.
3. It is the submission of learned counsel for the applicants that they are suffering confinement since 24.05.2022. Hence, further detention of the applicants is unwarranted.
4. Learned APP has opposed the bail application contending that, considering the conduct of the applicants and nature of accusation, the discretion may not be exercised in favour of the applicants.

5. Having carefully scrutinized the contents of FIR, it appears that, the applicant was driver of the vehicle. So far applicant is concerned, substantial investigation is over. The applicant did not have any knowledge with respect to forged documents as alleged in the FIR. In these circumstances, when the applicant will be easily available at the time of trial and having no any criminal antecedents, the matter deserves consideration.

6. Hence, present application is allowed and the applicants are ordered to be released on regular bail in connection with the FIR being C.R. No.Part-C-11822021220746 of 2022 registered with Navsari Rural Police Station, Dist. Navsari, on executing a personal bond of Rs.10,000/- (Rupees Ten thousand only) each, with one surety of the like amount to the satisfaction of the learned Trial Court and subject to the conditions that they shall;

No.

Conditions

(a)

not take undue advantage of liberty or misuse liberty;

(b)

not act in a manner injuries 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;

7. The Authorities will release the applicants only if they are 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 applicants on bail. Rule is made absolute to the aforesaid extent. Direct service is permitted.