

(2022) 11 GUJ CK 0011
In the Gujarat High Court

Case No : R/Criminal Misc. Application No. 20100 Of 2022

Vanitaben @ Vidhi Divyeshbhai Jethva	APPELLANT
Vs	
State Of Gujarat	RESPONDENT

Date of Decision : 03-11-2022

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 439
Indian Penal Code, 1860 — Section 114, 306, 323, 504

Citation : (2022) 11 GUJ CK 0011

Hon'ble Judges : Sandeep N. Bhatt, J

Bench : Single Bench

Advocate : Shloka Pandya, Denish V Mavadhiya, Khodabhai P Pingal, Hardik Soni

Final Decision : Allowed

Judgement

Sandeep N. Bhatt, J

1. The present application is filed under Section 439 of the Code of Criminal Procedure, 1973, for regular bail in connection with FIR being C.R. No.11208053220644 registered with the Rajkot Taluka Police Station, Rajkot City for offence under Sections 306, 323, 504 and 114 of the Indian Penal Code.
2. Learned advocate for the applicant submits that considering the nature of the offence, the applicant may be enlarged on regular bail by imposing suitable conditions.
3. Learned APP appearing on behalf of the respondent-State has opposed grant of regular bail looking to the nature and gravity of the offence.
4. Learned advocates appearing on behalf of the respective parties do not press for further reasoned order.
5. This Court has considered the following aspects:
(a) The present applicant is a lady accused aged about 23 years;

(b) The allegations levelled against the present applicant arising out of the FIR is of giving mental torture to the deceased;

(c) The present applicant is the wife of the deceased;

(d) Charge-sheet has already been filed on 10.10.2022;

(e) The present applicant is behind bars since August, 2022.

6. Having heard the learned advocates for the parties and perusing the material placed on record and that is made available during the course of argument and taking into consideration the facts of the case, nature of allegations, gravity of offences and role attributed to the accused, without discussing the evidence in detail, this Court is of the opinion that this is a fit case to exercise the discretion in favour of the applicant by enlarging on regular bail.

7. This Court has also taken into consideration the law laid down by the Hon'ble Apex Court in the case of Sanjay Chandra Vs. Central Bureau of Investigation, reported in [2012] 1 SCC 40.

8. Hence, the present application is allowed. The applicant is ordered to be released on regular bail in connection with FIR being C.R. No.11208053220644 registered with the Rajkot Taluka Police Station, Rajkot City, on executing a personal bond of Rs.10,000/- (Rupees Ten Thousand only) with one surety of the like amount to the satisfaction of the trial Court and subject to the conditions that she shall;

[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 the India without prior permission of the concerned trial court;

[e] furnish the present 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 concerned trial court;

9. The authorities will release the applicant only if she is 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 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.

10. At the trial, the Trial Court shall not be influenced by the prima facie observations made by this Court in the present order.

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