IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/CRIMINAL MISC.APPLICATION NO. 9165 of 2020

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NIKUNJ HARESHBHAI META

Versus

STATE OF GUJARAT

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Appearance:
MR. NIPUL H GONDALIA(6894) for the Applicant(s) No. 1
MR. MANAN MEHTA, APP for the Respondent(s) No. 1
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CORAM: **HONOURABLE MR. JUSTICE B.N. KARIA**

Date : 17/12/2020

ORAL ORDER

The present application is filed under Section 439 of the Code of Criminal Procedure by the applicant for regular bail in connection with an FIR being C.R.No.I-318 of 2020 (11203023200318 of 2020) registered with Junagadh 'A' Division Police Station, District: Junagadh for the offence punishable under Sections 465, 473, 476, 120B and 114 of the Indian Penal Code.

Learned advocate for the applicant submits that considering the nature of allegations, role attributed to the applicant, the applicant may be enlarged on regular bail by imposing suitable conditions. Learned advocate for the

applicant further submits that main accused Pravinbhai @ P. P. Punjabhai Solanki has been released on regular bail by this Court (Coram: Hon'ble Mr. Justice R.P. Dholaria) vide order dated 29.10.2020 in Criminal Misc. Application No. 7313 of 2020, thus on the ground of parity, the present applicant may be released on bail.

Learned Additional Public Prosecutor appearing on behalf of the respondent-State has opposed grant of regular bail looking to the nature and gravity of the offence.

I have heard learned advocates appearing on behalf of the respective parties. Learned advocates appearing on behalf of the respective parties do not invite reasoned order.

In the facts and circumstances of the case and considering the fact that the nature of allegations made against the applicant in the FIR as well as considering the ground of parity, as the co-accused of this offence has been released on bail by this Court, I am of the opinion that this is a fit case to exercise the discretion and enlarge the applicant on regular bail.

Hence, the present application is allowed and the applicant is ordered to be released on regular bail in connection with an FIR being ***C.R.No.I-318 of 2020 (11203023200318 of 2020) registered with Junagadh 'A' Division Police Station, District: Junagadh*** 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 learned Trial Court and subject to the conditions that the applicant 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 State of Gujarat without prior permission of the Sessions Judge concerned;

[e] furnish latest and permanent 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 learned Sessions Court concerned;

The Authorities will release the applicant only if he 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 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 applicant on bail.

Rule is made absolute to the aforesaid extent.

This order be communicated to the applicant through Jail Authorities by the registry as well as learned Sessions Court concerned.

(B.N. KARIA, J)

VARSHA DESAI