IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/CRIMINAL MISC.APPLICATION NO. 12956 of 2020

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HEMANT @ NANU PURANBHAI DHOBI

Versus

STATE OF GUJARAT

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Appearance:
MR VAIBHAV A VYAS(2896) for the Applicant(s) No. 1
MR.J.K.SHAH, APP (2) for the Respondent(s) No. 1
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CORAM: **HONOURABLE MR. JUSTICE RAJENDRA M. SAREEN**

Date : 15/12/2020

ORAL ORDER

[1] 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-51 of 2019 registered with Satellite Police Station, District: Ahmedabad for the offences under Sections 302, 365 and 120(B) of the Indian Penal Code and under Section 135(1) of the Gujarat Police Act.

[2] 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.

[3] 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.

[4] 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.

[5] This Court has also taken into consideration the law laid down by the Apex Court in the case of *Sanjay Chandra versus Central Bureau Investigation*, reported in *(2012) 1 SCC 40.*

[6] In the facts and circumstances of the case and considering the nature of allegations made against the applicant in the FIR, I am of the opinion that discretion is required to be exercised in favour of the applicant and enlarge the applicant on regular bail.

[7] This Court has considering the following aspects:

(i) The applicant is in jail since 17.05.2019.
(ii) Investigation is over and charge sheet is filed.
(iii) Two co-accused are released on bail.

[8] In the result, the present application is allowed and the applicant is ordered to be released on regular bail in connection with an offence being C.R.No.I-51 of 2019 registered with Satellite Police Station, District: Ahmedabad on executing a personal bond of Rs.15,000/- (Rupees Fifteen Thousand Only) with one solvent 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] mark presence before the concerned Police Station once between 1st and 5th day of every English calendar month for a period of six months.;

[f] 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 this Court;

[9] The authorities shall adhere to its own Circular relating to COVID-19 and, thereafter, 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 lower Court having jurisdiction to try the case.

[10] Rule is made absolute to the aforesaid extent. **Registry to communicate this order to the concerned Jail Authority by Fax or Email forthwith**.

(RAJENDRA M. SAREEN,J)

MOHMMEDSHAHID