IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/CRIMINAL MISC.APPLICATION NO. 15718 of 2020

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SANJAYBHAI PUNJABHAI PARMAR

Versus

STATE OF GUJARAT

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Appearance:
MR ASHISH M DAGLI(2203) for the Applicant(s) No. 1
MR. H.K. PATEL, APP for the Respondent(s) No. 1
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CORAM: **HONOURABLE MR. JUSTICE A.Y. KOGJE**

Date : 15/12/2020

ORAL ORDER

1. This application is filed by the applicant under Section 439 of the Code of Criminal Procedure, 1973 for regular bail in connection with FIR registered as **C.R. No.I-11197014201213 of 2020 with Dabhoi Police Station, District-Vadodara,** for the offence punishable under Sections 8(c), 18, 25 and 29 of the Arms Act.

2. Learned advocate appearing on behalf of the applicant submits that considering the nature of offence, the applicant may be enlarged on regular bail by imposing suitable conditions.

3. On the other hand, the learned Additional Public Prosecutor appearing for 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 a further reasoned order.

5. I have heard the learned advocates appearing on behalf of the respective parties and perused the papers. Following aspects are considered :-

I) The F.I.R. is registered on 22-06-2020 for the offence which is alleged to have taken place on 22-06-2020;

II) The applicant is in custody since 08-07-2020;

III) Investigation is concluded and charge-sheet is filed;

IV) Submission of the learned Advocate for the applicant that the allegations against the applicant is that the applicant had committed theft of alcholide powder from the company where he is working. However, the statement of the witnesses recorded at first point of time, does not refer to any theft being committed from the company. It was only on the recording of the second subsequent statement that such allegations against the applicant has been made. It is submitted that co-accused who has been named in the FIR, has already been enlarged on regular bail. Hence, applying principle of parity. No antecedents are reported against the applicant.

V) Learned Additional Public Prosecutor under the instructions of the Investigating Officer is unable to bring on record any special circumstances against the applicant.

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

6. In the facts and circumstances of the case and considering the nature of the allegations made against the applicant in the First Information Report, without discussing the evidence in detail, prima facie, this Court is

of the opinion that this is a fit case to exercise the discretion and enlarge the applicant on regular bail.

7. Hence, the present application is allowed. The applicant is ordered to be released on regular bail in connection with **C.R. No.I-11197014201213 of 2020 with Dabhoi Police Station, District-Vadodara** 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 he shall;

(a) not take undue advantage of liberty or misuse liberty;

(b) not act in a manner injurious to the interest of the prosecution & shall not obstruct or hamper the police investigation and shall not to play mischief with the evidence collected or yet to be collected by the police;

(c) surrender passport, if any, to the Trial Court within a week;

(d) not leave the State of Gujarat without prior permission of the Trial Court concerned;

(e) mark presence before the concerned Police Station once in a month for a period of six months between 11.00 a.m. and 2.00 p.m.;

(f) furnish the present address of his 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 Trial Court;

8. 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.

9. 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 observations of preliminary nature qua the evidence at this stage made by this Court while enlarging the applicant on bail.

11. The application is allowed in the aforesaid terms. Rule is made absolute to the aforesaid extent. Direct Service is permitted.

(A.Y. KOGJE, J)

CAROLINE/PARESH