IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/CRIMINAL MISC.APPLICATION NO. 18427 of 2020

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MANDABHAI CHANABHAI MORI

Versus

STATE OF GUJARAT

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Appearance:
MR ASHISH M DAGLI, ADVOCATE for the Applicants
MS NISHA THAKORE, APP for the Respondent STATE
MR APOORV JANI, ADVOCATE for the COMPLAINANT
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CORAM:**HONOURABLE MR. JUSTICE PARESH UPADHYAY**

Date : 18/12/2020

ORAL ORDER

1. This application is filed under Section 439 of the Code of Criminal Procedure, 1973, for regular bail in connection with C.R.No.11218015200186 of 2020 registered with Ranavav Police Station, Dist. : Porbandar for the offences punishable under Sections 323, 325, 367, 504, 143, 147, 148 and 149 of the Indian Penal Code and Section 135 of the Gujarat Police Act.

2. Rule was already issued by this Court vide order dated 04.12.2020.

3. Heard learned advocate for the applicants, the learned Additional Public Prosecutor and learned advocate for the complainant through Video Conference.

4. Learned advocate for the applicants has submitted that, the applicants have not committed any offence. Without prejudice to this, it is further submitted that, considering the

nature of the offence, the applicants may be enlarged on regular bail by imposing suitable conditions.

5. Learned Additional Public Prosecutor for the State has opposed this application. Learned advocate for the complainant states that he does not have any objection, if this Court grants regular bail to the applicants, since the parties have already settled the dispute out of the Court.

6. Having heard learned advocates for the respective parties and having considered the material on record and the role of the applicant in the offence in question, this Court finds that, this is the fit case to exercise the discretion to release the applicant on bail, in exercise of powers under Section 439 of the Code of Criminal Procedure, 1973, on certain conditions.

7. Learned advocates for the respective parties do not press for reasons, so that it may not prejudice any of the parties, at the time of trail, however it is noted that, while passing this order, this Court has kept in view the law laid down by the Supreme Court of India in the case of Sanjay Chandra versus Central Bureau of Investigation, reported in (2012) 1 SCC 40.

8. In view of above, the following order is passed.

8.1 This application is allowed.

8.2 All the applicants are ordered to be released on regular bail in connection with C.R.No.11218015200186 of 2020 registered with Ranavav Police Station, Dist. : Porbandar, on executing their personal bond of Rs.10,000/- (Rupees Ten

Thousand only) each, with one surety of the like amount to the satisfaction of the trial Court and subject to the conditions that, they 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] make themselves available at the time of trial.

8.3 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.

8.4 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.

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

8.6 Rule is made absolute in above terms.

(PARESH UPADHYAY, J)

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