IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/CRIMINAL MISC.APPLICATION NO. 16896 of 2020

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LAXMANBHAI BABUBHAI SOLANKI

Versus

STATE OF GUJARAT

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Appearance:
MR ASHISH M DAGLI(2203) for the Applicant(s) No. 1
MS NISHA THAKORE, APP for the Respondent STATE
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CORAM:**HONOURABLE MR. JUSTICE PARESH UPADHYAY**

Date : 16/12/2020

ORAL ORDER

1. This is an application for anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973, in connection with C.R.No.11197057201311 of 2020 registered with Waghodiya Police Station, Dist: Vadodara Rural, for the offence punishable under Sections 406, 420, 465, 467, 468, 471 and 114 of the Indian Penal Code and Sections 3 and 7 of the Essential Commodities Act.

2. Rule was already issued by this Court.

3. Heard learned advocate for the applicant and learned Additional Public Prosecutor for the State through Video Conferencing.

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

nature of the offence, the applicant may be enlarged on anticipatory bail by imposing suitable conditions.

5. The learned advocate for the applicant has further submitted that, the applicant is ready and willing to abide by all the conditions.

6. On the other hand, learned APP has contested this application and has opposed the grant of anticipatory bail.

7. Having heard learned advocates for the respective parties and having considered the material on record and considering the role of the applicant in the offence in question, this Court finds that, this is the fit case to exercise the discretion to grant anticipatory bail to the applicant in exercise of powers under Section 438 of the Code of Criminal Procedure, 1973, on certain conditions.

8. 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 trial, 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 Siddharam Satlingappa Mhetre vs. State of Maharashtra, reported in [2011] 1 SCC 6941, wherein the Supreme Court has reiterated the law laid down by the Constitutional Bench in the case of Shri Gurubaksh Singh Sibbia, reported in (1980) 2 SCC 665. It is noted that, co-accused is enlarged on anticipatory bail by the co-ordinate Bench of this Court vide order dated 03.12.2020 recorded on Criminal Misc. Application No.16436 of 2020.

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

9.1 This application is allowed by directing that, in the event of arrest of the applicant herein in connection with C.R.No.11197057201311 of 2020 registered with Waghodiya Police Station, Dist: Vadodara Rural, the applicant shall be released on bail on his furnishing a personal bond of Rs.10,000/- (Rupees ten thousand only) with one surety of the like amount on the following conditions that he shall:

(a) shall cooperate with the investigation and make himself available for interrogation whenever required;

(b) shall remain present at the concerned Police Station on 23.12.2020 between 11.00 AM and 02.00 PM;

(c) shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the fact of the case so as to dissuade him from disclosing such facts to the court or to any police officer;

(d) 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;

(e) shall, at the time of execution of bond, furnish the address to the investigating officer and the court concerned and shall not change his residence till the final disposal of the case till further orders without the permission of Trial Court;

(f) mark his presence once in fifteen days before the concerned Police Station till filing of the charge-sheet;

(g) shall not leave India without the permission of the Trial Court and if having passport, shall deposit the same before the Trial Court within a week; and

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

9.3 Rule is made absolute in above terms.

(PARESH UPADHYAY, J)

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