**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**

**R/CRIMINAL MISC.APPLICATION NO. 17371 of 2020**

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MENDALBHAI SUKABHAI DAMOR

Versus

STATE OF GUJARAT

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Appearance:
MR DEVDIP BRAHMBHATT(3490) for the Applicant(s) No. 1
MS MONALI BHATT, APP for the Respondent(s) No. 1
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CORAM: **HONOURABLE MR. JUSTICE B.N. KARIA**

**Date : 24/12/2020**

**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-64 of 2019 registered with Limbdi Police Station, District: Dahod for the offence punishable under Sections 457, 380 and 114 of the Indian Penal Code.

Learned advocate for the applicant submits that looking to the criminal history of present applicant, if this Court deems it fit to release the applicant on bail, applicant will not enter into State of Gujarat without prior permission of the learned Sessions Court concerned and he may be permitted to enter

into State of Gujarat for attending the Court proceedings pending against him. That accused no.1 viz. Rameshbhai Dolabhai, against whom similar allegations are made, is also released on bail by the learned Sessions Court concerned as per the submissions made by learned advocate for the applicant. Considering the nature of allegations, role attributed to the applicant, the applicant may be enlarged on regular bail by imposing suitable conditions.

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.

Having heard learned advocate for the applicant as well as learned APP for the respondent-State, it appears that chargesheet has been filed after completing the investigation by the Investigating Officer and therefore, there is no possibility of either tempering with the evidence or

intimidating the witnesses. That no Identification Parade has been carried out in this case. 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-64 of 2019 registered with Limbdi Police Station, District: Dahod** on executing a personal bond of Rs.10,000/- (Rupees Ten Thousand only) and local surety of Rs.25,000/- 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 enter into State of Gujarat without prior permission of the learned Sessions Court concerned except attending the Court proceedings against him before the concerned Court;

[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