IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/CRIMINAL MISC.APPLICATION NO. 18942 of 2020

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DEVENDRA MADANLAL JAT

Versus

STATE OF GUJARAT

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Appearance:
MR D C SEJPAL(1322) for the Applicant(s) No. 1
MS. MOXA THAKKAR, APP (2) for the Respondent(s) No. 1

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CORAM: **HONOURABLE DR. JUSTICE A. P. THAKER**

Date : 11/12/2020

ORAL ORDER

[1] Heard Mr. D.C.Sejpal, learned advocate for the applicant and Ms. Moxa Thakkar, learned APP for the responent State.

[2] **RULE**. Learned Additional Public Prosecutor waives service of notice of rule for respondent – State.

[3] The present application is filed under Section 439 of the Code of Criminal Procedure in connection with an FIR being **C.R.No. 11195005200581 of 2020** registered with **Hadad Police Station, District: Banaskantha** for the offences punishable under Sections 65(a), 65(e), 81, 83, 98(2) and 116-B of the Gujarat Prohibition Act, 1949

[4] Learned advocate appearing for the applicant submits that there is no criminal antecedent against the present

applicant. He further submits that the applicant is in Jail since 19.10.2020. He further submits that considering the nature of evidence, role attributed to the applicant and punishment prescribed, this application for bail may kindly be considered and the applicant may be released on bail on stringent conditions.

[5] 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.

[6] Having heard the learned advocates for the parties and perused the materials placed on record and taking into consideration the facts of the case, nature of allegations, gravity of offences, role attributed to the accused, without discussing the evidence in detail, at this stage, this Court is inclined to grant regular bail to the applicant.

[7] This Court has considered following aspects;

(i) That there is no criminal antecedent against the applicant;
(ii) The fact that the accused is in jail since 19.10.2020;

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

[9] In the result, 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. 11195005200581 of 2020 registered with Hadad Police Station, District: Banaskantha**, on executing a personal bond of Rs.10,000/- (Rupees Ten Thousand Only) with one local surety of the like amount to the satisfaction of the learned 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 injuries to the interest of the prosecution;

[c] surrender his passport, if any, to the lower court within a week;

[d] not leave the State of Gujarat for six months, without prior permission of the concerned Trial Court;

[e] mark presence before the concerned Police Station on alternate every Monday for initial **six** months and thereafter, on alternate Monday of every English calendar month, for a period of **six** months, between 10:00 a.m. and 2:00 p.m.;

[f] furnish latest 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 the Trial Court;

[10] 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 concerned Trial Court will be free to issue warrant or take appropriate action in the matter. Bail bond to be executed before the Trial 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 accordingly.

[11] Registry is directed to intimate about this order to the concerned authorities through fax, email and/or any other suitable electronic mode. Learned advocate for the applicant is also permitted to intimate about this order to the concerned authorities through fax, email and/or any other suitable electronic mode.

(DR. A. P. THAKER, J)

SAJ/ VARSHA DESAI