IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/CRIMINAL MISC.APPLICATION NO. 22221 of 2019

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JAGDISHBHAI PRABHULAL CHAUHAN

Versus

STATE OF GUJARAT

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Appearance:
MR GAJENDRA P BAGHEL(2968) for the Applicant(s) No. 1,2
MR. L.B. DABHI, APP (2) for the Respondent(s) No. 1

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CORAM: **HONOURABLE MR.JUSTICE VIPUL M. PANCHOLI**

Date : 08/01/2020

ORAL ORDER

1. The present application is filed under Section 439 of the Code of Criminal Procedure, 1973, for regular bail in connection with FIR being ***C.R. No. I-97 of 2018 registered with Surendranagar City 'B' Division Police Station, Surendranagar*** for offence under Sections 454, 380 and 114 of the Indian Penal Code.

2. Learned Advocate appearing on behalf of the applicants submit that considering the nature of the offence, the applicants may be enlarged on regular bail by imposing suitable conditions.

3. Learned APP appearing on behalf of 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 further reasoned order.

5. Having heard the learned advocates for the parties and perusing the material 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, this Court is of the opinion that this is a fit case to exercise the discretion and enlarge the applicants on regular bail.

6. This Court has considered following aspects,

(a) Applicants are in jail since 16.12.2018.

(b) Investigation is concluded and charge-sheet is filed.

(c) Case is triable by the Court of Magistrate.

(d) Applicants are arrested in the present case by way of transfer warrant and they have been acquitted by the Competent Court in two cases registered with Botad Police Station.

In the facts and circumstances of the present case, I am inclined to consider the case of the applicant.

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

8. Hence, the present application is allowed. The applicant is ordered to be released on regular bail in connection with FIR being ***C.R. No. I-97 of 2018 registered with Surendranagar City 'B' Division Police Station, Surendranagar*** 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;

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

[d] not leave the India without prior permission of the concerned trial court;

[e] mark presence before the concerned Police Station between 1st to 10th day of every English calendar month for a period of twelve months between 11:00 a.m. and 2:00 p.m.;

[f] furnish the present 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 concerned trial court;

[f] Not to enter into the limits of District: Surendranagar, for the period of six months except for marking presence and for attending the Court proceedings.

9. 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 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 prima facie observations made by this Court in the present order.

11. Rule is made absolute to the aforesaid extent. Direct service is permitted.

(VIPUL M. PANCHOLI, J)

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