IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/CRIMINAL MISC.APPLICATION NO. 1268 of 2024
(FOR TEMPORARY BAIL)

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NILESH PITAMBER BEHERA
Versus
STATE OF GUJARAT

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Appearance:
MS CHINTANIKA P LUKHI(10189) for the Applicant(s) No. 1
MR SHREY H DAVE(8444) for the Applicant(s) No. 1
MR JIRGA JHAVERI APP for the Respondent(s) No. 1-2

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CORAM:**HONOURABLE MR. JUSTICE DIVYESH A. JOSHI**

Date : 19/01/2024

ORAL ORDER

1. This matter has been listed pursuant to the request being made for urgent circulation and, hence, permission for urgent circulation has been granted and, hence, it has been taken up for hearing.
2. Rule. Learned APP waives service of notice of rule for respondent – State of Gujarat.
3. By way of the present application, the applicant has prayed to release him on temporary bail on the ground of medical ground of his father, who is under treatment as well as his son, who is admitted in the hospital.
4. Learned advocate submitted that in fact, the aforesaid application was filed seeking temporary bail on the ground that the father of the applicant is suffering from cancer and his

treatment is going on, however as the son of the applicant has sustained injuries and, hence, he is admitted in the hospital and, hence, urgent circulation has been sought for. Learned advocate has placed on record xerox copies of the medical papers, which are taken on record. Learned advocate submitted that considering the aforesaid facts of the case, the applicant may be granted temporary bail with any stringent conditions.

5. On the other hand, learned APP has opposed the grant of present application.

6. I have heard learned advocates appearing for the parties and have also perused the documents produced along with the application as well as considered the averments made in this application including jail report and the medical papers supplied by learned advocate for the applicant during the course of hearing. It is an admitted position of fact that the present application is filed on the ground of medical treatment of his father but today, urgent circulation has been sought for on the ground of medical condition of his son. I have also considered the jail remarks, which shows that earlier the applicant has availed leave twice and he surrendered in time and his jail conduct is found to be good. It is true that considering the grounds stated for the grant of temporary bail, it is not possible for the Court to verify the cause shown by the applicant but considering the grounds mentioned and the

averments made in the application, the resent application deserves to be allowed.

7. Therefore, the present application stands allowed partly. The under-trial prisoner is ordered to be released on temporary bail for a period of **7 (Seven) Days** from the date of his actual release with Police Surveillance at the cost of the applicant, on executing personal bond of Rs.5,000/- (Rupees Five Thousand) before the Jail authority and on usual terms and conditions as may be imposed by the Jail Authority.

8. The shall surrender before Jail Authority on completion of temporary bail, without fail.

9. Rule is made absolute to the aforesaid extent. Direct service is permitted. Registry to communicate the present order to the concerned jail authority forthwith.

Sd/-
(DIVYESH A. JOSHI, J.)

Gautam