

**Misc.Cr.Case 9085/2011**

**26.12.2011.**

Shri Siraj Ahmed, learned counsel for the applicants.

Shri Mukesh Kumawat, learned Panel Lawyer for the Non-applicant/State.

They are heard.

By this application filed under sec. 439 of the Cr.P.C. the applicants Vijay and Mankiya have prayed for grant of bail being implicated in Crime No. 344/11 registered by Police Station Sardarpur for the offence punishable under section 306/34 of the Indian Penal Code.

Counsel for the applicants has vehemently urged that it is a case of false implication and hence the counsel prayed for grant of bail. It is urged that even if there is any cross-case, there is no material available on record to implicate the present applicant and the challan has been put up and there remains nothing to be recovered from the applicant. The applicant is 35 years of age and is the sole bread winner in the family. Counsel prayed for grant of bail since the applicant has been arrested on 27.09.2011.

Counsel for the non-applicant/State on the other hand, has opposed the submissions of the counsel for the applicants and has stated that the applicants were fully implicated in the matter.

On considering the above submissions, the impugned order and the material available in the case diary and looking to the nature of allegations and the fact that that the applicant is in jail since 27.09.2011, I find that it is a fit case for grant of bail. The applicant is, therefore,

allowed.

However, stringent measures need to be imposed, therefore, it is ordered that the applicants be released on bail on their furnishing a bail bond for a sum, of Rs. 25,000/- (Rupees Twenty Five Thousand) each with one surety of like amount to the satisfaction of the trial Court for their appearance before the concerned trial Court on all dates of hearing as may be fixed by the Trial Court in this behalf during the pendency of trial.

By way of abundant caution, it is further directed that they shall also mark their presence in the concerned Police Station on the first Sunday of every month between 10.00AM to 12.00 noon during pendency of the trial. Any default in attendance in Court and marking presence in the concerned Police Station, would result in cancellation of bail granted by this Court thereby entitling the police to take the applicants in custody immediately.

It is also directed that the applicants shall abide by all the conditions enumerated under section 437(3) of the Cr.P.C.

CC as per rules.

**(Mrs.S.R Waghmare)**  
**Vac. J U D G E**

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