

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**CRIMINAL MISC.APPLICATION (FOR REGULAR BAIL) NO.
27794 of 2017**

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JAYABEN BHIMJIBHAI PATEL....Applicant(s)
Versus
STATE OF GUJARAT....Respondent(s)

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Appearance:

MR PRAVIN GONDALIYA, ADVOCATE for the Applicant(s) No. 1
MS MH BHATT, APP for the Respondent(s) No. 1

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CORAM: HONOURABLE MR.JUSTICE P.P.BHATT**Date : 21/11/2017****ORAL ORDER**

1. This application is filed by the applicant under Section 439 of the Code of Criminal Procedure (*for short, 'the Code'*) for regular bail in connection with FIR registered at C.R. No. I-165 of 2017 with Katargam Police Station, District: Surat for the offences punishable under Sections 467, 468, 471, 504, 506(2) and 114 of the Indian Penal Code, 1860 (*for short, 'the IPC'*).
2. Heard Mr. Gondaliya, the learned advocate for the applicant and Ms. M. H. Bhatt, the learned Additional Public Prosecutor for the respondent –State.
- 2.1 The learned advocate for the applicant submits that the applicant is an innocent lady, however, she has been falsely implicated in the offence.

It is submitted that the applicant is a lady aged about 63 years. Further, it is submitted that substantial investigation is over and hence, now, no further custodial interrogation may be required and there are no chances of tampering with the evidence.

- 2.2 It is also submitted that by the learned advocate for the applicant that the applicant has roots in Rajkot District and is also having responsibility towards family and is not likely to run away and her presence can be secured during trial by imposing the the suitable conditions.
3. The learned Additional Public Prosecutor opposes the grant of bail looking to the nature and gravity of offences. It is submitted that, charge-sheet is yet to be filed and hence, it is requested that the applicant may not be enlarged on bail.
4. Learned advocates appearing on behalf of the respective parties do not press for further reasoned order.
5. I have heard learned advocates appearing for the parties and perused the papers on record.
6. Regard being had to the above submissions, in the facts and circumstances of the case and considering the nature and gravity of accusation made against the applicant in the First Information Report and other papers placed on record, this Court is of the opinion that discretion is required to be exercised in favour of the applicant for grant of bail. Moreover, the applicant assures that she will abide by the

terms and conditions that may be imposed by the Court and shall not commit any breach. Hence, the application is allowed and the applicant is ordered to be released on **regular bail** in connection with the above-referred FIR on executing 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 they shall;

- [a] not take undue advantage of liberty or misuse liberty;
- [b] not act in a manner injurious to the interest of the prosecution and shall cooperate in trial;
- [c] surrender passport, if any, to the lower Court within a week;
- [d] not leave the State of Gujarat without prior permission of the Sessions Judge concerned;
- [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 this Court and shall also remain present as and when required by the Court.

7. The authorities will release the applicant only if she 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 is 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. At the trial, the 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.

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

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[P. P. Bhatt, J.]