

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CRIMINAL MISC.APPLICATION NO. 8544 of 2018**

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NAZIR IBRAHIM RAHEMAN

Versus

STATE OF GUJARAT

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Appearance:

MR ZUBIN F BHARDA(159) for the PETITIONER(s) No. 1,2

MR MITESH AMIN, PUBLIC PROSECUTOR(2) for the RESPONDENT No. 1

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CORAM: HONOURABLE MR.JUSTICE A.J.DESAI

Date : 30/04/2018**ORAL ORDER**

1. Rule. Learned Public Prosecutor waives service of notice of Rule on behalf of respondent-State.
2. This application is filed under Section 439 of the Code of Criminal Procedure for regular bail in connection with F.I.R. registered at **C.R.No.II - 14 of 2018 with Umargam Police Station** for the offences punishable under Sections 295(a) and 114 of the IPC and under Sections 5, 6, 6(b)(1), 8 and 10 etc. of the Gujarat Animal Protection Act, 1954 and under Sections 6(b)1 and 8 etc. of the Gujarat Animal Protection (Amendment) Act, 2017 and under Section 11(f) of the Animal Cruelty Act.
3. Learned advocate for the applicants submits that considering the nature of offence, the applicants may be enlarged on regular bail by imposing suitable conditions.
4. The learned APP opposes the grant of bail looking to the nature and gravity of offences.

5. I have heard learned advocates appearing for the parties and perused the papers of investigation.
6. In the facts and circumstances of the case and considering the nature of allegations made in the FIR and without discussing the evidence in details as well as without going into details, prima-facie, this Court is of the opinion that this is a fit case to exercise the discretion to enlarge the applicants on bail. Hence, the application is allowed and the applicants are ordered to be released on bail in connection with **C.R.No.II - 14 of 2018 with Umargam Police Station** on executing a bond of **Rs.10,000/- (Rupees Ten Thousand only) each** 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 injuries to the interest of the prosecution;
 - [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] mark presence at the concerned police station on every Monday for a period of six months and thereafter on any day of first week of alternate English Calender Month for a period of two years;
 - [f] furnish the present address of residence to the I.O. 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;
7. The Authorities will release the applicants only if they are 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. 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 applicants on bail.

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

(A.J.DESAI, J.)

**Kazi...*