

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/CRIMINAL MISC.APPLICATION NO. 10371 of 2018

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JAYBHAI BABABHAI MARU

Versus

STATE OF GUJARAT

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Appearance:

MS GAYATRIBA B JADEJA(5152) for the PETITIONER(s) No. 1
for the RESPONDENT(s) No. 2

MR. L.B. DABHI, APP (2) for the RESPONDENT(s) No. 1

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CORAM: HONOURABLE MR.JUSTICE A.Y. KOGJE

Date : 31/05/2018

ORAL ORDER

1. **RULE.** Mr. L.B. Dabhi, learned APP waives service of Rule on behalf of the respondent-State.

2. This application for temporary bail by under trial Jay @ Bhaniyabhai Bababhai Varu in connection with the offence registered with the Khambha Police Station, Amreli being C.R. No. I-30 of 2016.

3. Learned advocate for the applicant submits that the applicant had filed temporary bail application before the concerned Sessions Court which came to be rejected on 10.05.2018, by observing that, co-accused had not surrendered in time. Learned advocate for the applicant submits that the presence of the applicant is necessary, as wife of the applicant is no more and for the purpose of admission of his minor child in the

school and for making the arrangement.

4. Learned APP has produced on record the jail report, wherein it is indicated that applicant has absconded for 74 days. As against this, learned advocate submits that for the reasons of his mother's sickness, he could not surrender in time, for which he had preferred separate proceedings before the concerned Sessions Court and surrendered.

5. Considering the fact that applicant had released in the month of May, 2017 and requirement of the applicant for the purpose of making financial arrangement of school of minor child is genuine.

6. Under the circumstances, applicant-under trial is ordered to be released on temporary bail for a period of **Seven (7) days** from the date of his actual release, on his furnishing personal bond of Rs.5,000/- to the satisfaction of the jail authority. The applicant is directed to surrender before the concerned jail authority on completion of the temporary bail period, without fail. This application is allowed, accordingly. Rule is made absolute to the aforesaid extent.

Direct service is permitted.

(A.Y. KOGJE, J)

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