

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD****R/CRIMINAL MISC.APPLICATION NO. 20084 of 2018**

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BHARATBHAI NEELABHAI VAZIR

Versus

STATE OF GUJARAT

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Appearance:

MR PANKAJ S CHAUDHARY(3269) for the PETITIONER(s) No. 1

MR LB DABHI, APP for the RESPONDENT(s) No. 1

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CORAM: **HONOURABLE MR.JUSTICE R.P.DHOLARIA****Date : 30/10/2018****ORAL ORDER**

1. The present application is filed under Section 439 of the Code of Criminal Procedure for regular bail in connection with an offence being C.R.No.I-25 of 2018 registered with Tharad Police Station, District : Banaskantha, for the offences punishable under Sections 376, 506 etc. of the Indian Penal Code and Section.

2. Learned advocate appearing on behalf of the applicant submits that considering the nature of offence, the applicant may be enlarged on regular bail by imposing suitable conditions.

3. Learned Additional Public Prosecutor appearing on behalf of the respondent-State has opposed grant of regular bail looking to the nature and gravity of the offence.

4. Learned advocates appearing on behalf of the respective parties do not press for further reasoned order.

5. I have heard learned advocates appearing on behalf of the respective parties and perused the papers of investigation and considered the allegations levelled against the applicant and the role played by the applicant. I have also considered the fact that since the FIR came to be lodged after about 8 months, the papers indicates that there was love affair between the accused and victim, both are major.

6. In the facts and circumstances of the case and considering the nature of allegations made against the applicant in the FIR, without discussing the evidence in detail, prima facie, this Court is of the opinion that this is a fit case to exercise the discretion and enlarge the applicant on regular bail. Hence, the present application is allowed and the applicant is ordered to be released on **regular bail** in connection with an offence being C.R.No.I-25 of 2018 registered with Tharad Police Station, District : Banaskantha, on executing a personal bond of **Rs.15,000/-** (Rupees Fifteen thousands only) with one surety of the like amount to the satisfaction of the learned Trial Court and subject to the conditions that he shall;

- [a] not take undue advantage of liberty or misuse liberty;
- [b] not act in a manner injurious to the interest of the prosecution;
- [c] surrender passport, if any, to the lower court within a week;
- [d] not leave India without prior permission of the Sessions Judge concerned;

- [e] mark presence before the concerned Police Station on every Monday for a period of three months and thereafter on any day of first week of each English Calendar Month for a period of six months;
- [f] furnish latest 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;

7. The Authorities will release the applicant on regular bail only if he 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 to be executed before the learned 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, learned 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. Rule is made absolute to the aforesaid extent.

Direct service is permitted.

**(R.P.DHOLARIA, J)**

KUMAR ALOK