

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CRIMINAL MISC.APPLICATION NO. 20748 of 2019**

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PRAJAPATI KALUBHAI SHANKARBHAI

Versus

STATE OF GUJARAT

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Appearance:

O I PATHAN(7684) for the Applicant(s) No. 1

MR LB DABHI, ADDL. PUBLIC PROSECUTOR(2) for the
Respondent(s) No. 1

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CORAM: HONOURABLE MR.JUSTICE A.C. RAO**Date : 30/10/2019****ORAL ORDER**

1. Rule. Learned APP Mr.L.B. Dabhi waives service of Rule on behalf of the respondent State.
2. The present application is filed under Section 439 of the Code of Criminal Procedure, 1973, for regular bail in connection with FIR being C.R. No.I-170 of 2019 registered with Kadi Police Station, Mehsana for the offence under Sections 326, 323, 504, 506(2) and 114 of the Indian Penal Code and under Section 135(1) of the G.P. Act.
3. Learned advocate appearing on behalf of the applicant submits that the applicant is innocent and falsely roped in the offence. It is contended that the injured is having a simple injury and he is already discharged from the hospital. It is contended that the police has falsely roped the applicant in the offence under Section 326 of the IPC instead of Section 324 of the IPC.

4. Learned APP appearing on behalf of the respondent-State has opposed grant of regular bail looking to the nature and gravity of the offence. The learned APP has further contended that the applicant has inflicted the injury with scythe on the head of the injured and therefore, the bail application is required to be rejected.
5. Learned advocates appearing on behalf of the respective parties do not press for further reasoned order.
6. Having heard the learned advocates for the parties and perusing the material placed on record and taking into consideration the fact that the injured is already discharged from the hospital, this Court is of the opinion that this is a fit case to exercise the discretion and enlarge the applicant on regular bail.
7. Hence, the present application is **allowed**. The applicant is ordered to be released on regular bail in connection with FIR being C.R. No.I-170 of 2019 registered with Kadi Police Station, Mehsana on executing a 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 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

concerned Trial Court;

- [e] mark presence before the concerned Police Station between 1st to 10th day of every English calendar month for a period of six months between 11:00 a.m. and 2:00 p.m.;
- [f] furnish the present 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;
- [g] not enter into Nani-Kadi for a period of six months;

8. The authorities will release the applicant 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 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.
9. At the trial, the Trial Court shall not be influenced by the prima facie observations made by this Court in the present order.
10. Rule is made absolute to the aforesaid extent. Direct service is permitted.

(A. C. RAO, J)

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