

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CRIMINAL MISC.APPLICATION NO. 21239 of 2019**

=====

THAKOR VIPULJI @ RAWAN JAWANJI CHHANAJI**Versus****STATE OF GUJARAT**

=====

Appearance:**MR. YOGENDRA THAKORE(3975) for the Applicant(s) No. 1****MR HARDIK SONI, ADDITIONAL PUBLIC PROSECUTOR(2) for the
Respondent(s) No. 1**

=====

CORAM: HONOURABLE MR.JUSTICE VIPUL M. PANCHOLI**Date : 29/11/2019****ORAL ORDER**

1. Leave to amend the memo of the application.
Learned advocate for the applicant to carry out the amendment, forthwith.
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-120 of 2019 registered with Kadi Police Station, District Mehsana, for offence under Sections 395, 504, 506(2) and 114 of the Indian Penal Code and Section 135 of the Gujarat Police Act.
3. Learned advocate appearing on behalf of the applicant submits that considering the nature of the offence, the applicant may be enlarged on regular bail by imposing suitable conditions.
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.

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 facts of the case, nature of allegations, gravity of offences, role attributed to the accused, without discussing the evidence in detail, this Court is of the opinion that this is a fit case to exercise the discretion and enlarge the applicant on regular bail.
7. This Court has also taken into consideration the law laid down by the Hon'ble Apex Court in the case of **Sanjay Chandra Vs. Central Bureau of Investigation**, reported in (2012) 1 SCC 40.
8. This Court has also considered the following aspects:
 - (a) the applicant is in Jail since 20.07.2019;
 - (b) investigation is concluded and charge-sheet is filed;
 - (c) for the alleged incident, which had taken place on 04.07.2019, the FIR is lodged on 15.07.2019;
 - (d) no antecedent is reported against the applicant;
 - (e) there is no recovery or discovery from the applicant; and
 - (f) looking to the overall facts and circumstances of the present case, this Court is inclined to exercise discretion in favour of the

applicant.

9. 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-120 of 2019 registered with Kadi Police Station, District 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;
10. 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.

11. At the trial, the Trial Court shall not be influenced by the prima facie observations made by this Court in the present order.
12. Rule is made absolute to the aforesaid extent. Direct service is permitted.

(VIPUL M. PANCHOLI, J)

piyush