

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD****R/CRIMINAL MISC.APPLICATION NO. 5869 of 2020**

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NISARG DILIPBHAI PATHAK

Versus

STATE OF GUJARAT

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Appearance:

MR VIRAT G POPAT(3710) for the Applicant(s) No. 1

MR MITESH AMIN PUBLIC PROSECUTOR(2) assisted by MR DM  
DEVNANI, AGP for the Respondent(s) No. 1

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**CORAM: HONOURABLE MR.JUSTICE S.H.VORA****Date : 31/03/2020****ORAL ORDER**

1. Heard learned advocate Mr.Popat for the applicant and learned P.P. Mr. Aminfor the 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. A/11215001200075/2020 with Anand Rural Police Station for the offences punishable under Sections 406, 420, 120(B) and 506 of the IPC.
3. Learned advocate for the applicant states at bar that no any past antecedent is registered against present applicant of identical nature except present FIR, it appears that substantial investigation is over, the alleged offence do not provide punishment either life imprisonment or capital punishment so as to flee from justice our of fear of conviction, the applicant has deep root in the society, the offences alleged against the applicant are triable by Magisterial Court

and considering the pendency before the concerned Magisterial Court, there is no likelihood of commencement and conclusion of trial within near future and therefore, refusal of bail will amount to pre-trial conviction, which is prohibited by law and therefore, present Criminal Misc. Application deserves consideration.

4. Hence, the application is allowed and the applicant is ordered to be released on bail in connection with C.R. No. A/11215001200075/2020 with Anand Rural Police Station, on executing a 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 the applicant 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] not leave the territory of India without prior permission of the Sessions Judge concerned;
- [d] appear before the Investigation Officer concerned, as and when required for investigation purpose and attend Court concerned regularly.
- [e] furnish the present address of residence along with the proof to the I.O. concerned and also to the Court at the time of execution of the bond and shall not change the residence without prior permission of Sessions Court concerned;

5. The competent authority will release the applicant only if the applicant 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 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 applicant on bail.

6. Registry is directed to provide soft copy of this order through email to both the learned advocates appearing for respective parties and the applicant is at liberty to serve present order through email or any other usual mode to the concerned jail authority at his end.

7. Rule made absolute to the aforesaid extent.

SHEKHAR P. BARVE

**(S.H.VORA, J)**