

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CRIMINAL MISC.APPLICATION NO. 8935 of 2020**

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ASHOKBHAI ABBASBHAI BHALAVAT
Versus
STATE OF GUJARAT

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Appearance:

MR P P MAJMUDAR(5284) for the Applicant(s) No. 1,2,3

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

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CORAM: **HONOURABLE MR. JUSTICE R.P.DHOLARIA**

Date : 30/06/2020**ORAL ORDER**

[1] **Rule.** Learned APP waives service of notice of rule for and on behalf of respondent-State.

[2] This bail 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-11197006200236 of 2020 registered with Bhadarva Police Station, Vadodara for the offence punishable under Sections 308, 332, 353, 143, 147, 149, 153, 427, 504, 506(2), 120(B), 114 of the Indian Penal Code, under Section 3 of the Prevention of Damage to Public Property Act and under Section 135 of the G.P. Act.

[3] Learned advocate appearing on behalf of the applicants through video conferencing submits that considering the nature of offence, the applicants may be enlarged on regular bail by imposing suitable conditions.

[4] Learned Additional Public Prosecutor appearing on behalf of the respondent-State through video conferencing has opposed grant

of regular bail looking to the nature and gravity of the offence.

[5] Having heard the learned advocates for the parties and taking into consideration that (i) after conclusion of investigation, chargesheet has already been filed and (ii) other co-accused have already been enlarged on bail by the Co-ordinate Bench.

[6] In the facts and circumstances of the case and considering the nature of allegations made against the applicants 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 applicants on regular bail on condition that the **applicants shall deposit Rs.20,000/- each towards compensation to the victim(s) before the learned trial Court within a period of two months from today**. Upon deposition of the aforesaid amount, the learned trial Court shall disburse the same to the victim(s) by Account Payee Cheque after due identification and verification and subject to the final outcome of the trial. Hence, the present application is allowed and the applicants are ordered to be released on **regular bail** in connection with an offence being C.R.No.I-11197006200236 of 2020 registered with Bhadarva Police Station, Vadodara on executing a personal bond of **Rs.15,000/- (Rupees Fifteen thousands only) each** with one surety of the like amount to the satisfaction of the learned Trial Court and subject to the further conditions that they shall;

[a] not take undue advantage of liberty or misuse liberty;

[b] not act in a manner injuries 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 alternate Monday for initial three months and thereafter, on first Monday of every English calendar month, for a further period of three months, between 10:00 a.m. and 2:00 p.m.;

[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 applicants only if they are 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 applicants on bail. Rule is made absolute to the aforesaid extent.

[8] Registry also to send the copy of the this Order to the concerned Jail Authority through Fax and Email.

(R.P.DHOLARIA, J)

Pallavi/Manoj