

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/CRIMINAL MISC.APPLICATION NO. 9763 of 2020

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JUMMABHAI ALI MOHAMAD PATHAN
Versus
STATE OF GUJARAT

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Appearance:

DELETED(20) for the Applicant(s) No. 2

SUJAY J ADESHRA(9325) for the Applicant(s) No. 1

for the Respondent(s) No. 2

MS. MOXA THAKKAR, APP (2) for the Respondent(s) No. 1

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CORAM: **HONOURABLE MS. JUSTICE BELA M. TRIVEDI**

Date : 31/07/2020

ORAL ORDER

1. Rule. Learned APP Ms.Moxa Thakkar waives service of notice of Rule for the respondent – State.

2. The present application was filed by two applicants namely (1) Jummabhai Ali Mohamad Pathan and (2) Salman Jummakhan Pathan in connection with the FIR being C.R. No.I-9/2017 registered with the Jambusar Police Station, District Bharuch, however, the application was earlier not pressed for so far as the applicant No.2 is concerned.

3. So far as the applicant No.1 is concerned, the learned Advocate Mr.Adeshra for the applicant states that the son-in-law of the applicant No.1 has expired on 16.6.2020 and the daughter of the applicant No.1 had already expired earlier, and therefore, his presence is required for giving emotional support to their relatives including the two minor children of his late daughter.

4. Learned APP has verified about the relationship of the present applicant and the deceased son-in-law.

5. Having regard to the submissions made by the learned advocates for the parties and to the facts and circumstances of the case, the Court is of the opinion that the present application of the applicant No.1 deserves to be allowed. The applicant No.1 Jummabhai Ali Mohamad Pathan is ordered to be enlarged on temporary bail for a period of four days from the date of his actual release on furnishing a personal bond in the sum of Rs.10,000/- (Rupees Ten Thousand only) and a surety of the like amount to the satisfaction of the Jail authority. The applicant No.1 shall also be bound by the usual terms and conditions of bail. On completion of the above period, the applicant-accused shall surrender before the concerned Jail authority forthwith.

6. In view of the above, the present application stands partly allowed qua applicant No.1 and stands dismissed qua applicant No.2 as not pressed for. Rule is made absolute to the aforesaid extent qua applicant No.1 and Rule is discharged qua applicant No.2. Direct service is permitted. The Registry is directed to send a copy of this order through Fax to the concerned Jail Authority.

(BELA M. TRIVEDI, J)

MEHUL B. TUVAR/vinod