

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD****R/CRIMINAL MISC.APPLICATION NO. 10467 of 2020**

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JAYESH D. DESAI

Versus

STATE OF GUJARAT

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Appearance:

ANKIT M MODI(7418) for the Applicant(s) No. 1,2

MR KISHAN R CHAKWAWALA(9846) for the Applicant(s) No. 1,2

MR PRANAV TRIVEDI, APP for the Respondent(s) No. 1

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CORAM: **HONOURABLE MS. JUSTICE GITA GOPI****Date : 31/07/2020****ORAL ORDER**

1. **Rule.** Mr. Pranav Trivedi, learned Additional Public Prosecutor waives service of notice of rule on behalf of respondent-State.

2. This application has been filed under section 439 of the Code of Criminal Procedure for bail in connection with the FIR being **I-C.R. No. 11191045201549 of 2020** registered with **Sola High Court Police Station, Ahmedabad** for offences punishable under sections 365, 386, 323, 294(b), 506(1), 506(2), 507, 114 and 120(B) of the Indian Penal Code and section 135(1) of the Gujarat Police Act.

3. Mr. Kishan Chakwawala, learned advocate for the applicants, submitted that as per the facts of the FIR, present two applicants are the persons who had intervened and had stopped Ravi@ Mehul to inflict any injury and thus, there was no criminal act by the present applicants. Mr. Chakwawala, further submitted that there are no criminal antecedents against the

present applicants. Mr. Chakwawala, stated that he has produced affidavit of the original complainant and settlement deed to substantiate the fact of compromise. It was therefore, prayed to release the applicants on regular bail.

4. Mr. Pranav Trivedi, learned Additional Public Prosecutor, submitted that the applicants are the member of the organized gang where one of the member is lady, who induce innocent persons to extort money. Mr. Trivedi, further submitted that the allegations are of criminal conspiracy and hence, no discretion may be exercised in favour of the applicants.

5. Heard learned advocates on both the sides and perused the material on record. The facts to the case suggest that all the accused had gone together, all the incident has been video recorded, as per the facts, present applicants had intervened and had stopped Ravi@ Mehul to cause any injury with the weapon and as stated by Mr. Chakwawala, there are no criminal antecedents against the present applicants, discretion is required to be exercised in favour of the applicants.

6. Hence, the present application is allowed. The applicants are ordered to be released on regular bail in connection with FIR being **I-C.R. No. 11191045201549 of 2020** registered with **Sola High Court Police Station, Ahmedabad** on executing a personal bond of Rs.15,000/- (Rupees Fifteen Thousand only) each with one surety of the like amount to the satisfaction of the trial Court and subject to the conditions that they 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 1<sup>st</sup> to 10<sup>th</sup> 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 the concerned trial court;

7. The authorities shall adhere to its own Circular relating to COVID-19 and, thereafter, 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 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 is clarified that the Court below shall not be influenced by any of the observation made in this order during the trial.

8. Rule is made absolute to the aforesaid extent. Direct service is permitted. Registry to communicate this order to the concerned Court/authority by Fax or Email forthwith.

**(GITA GOPI,J)**