

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CRIMINAL MISC.APPLICATION NO. 4736 of 2021**

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RAHULBHAI RAMESHBHAI VAGHELA

Versus

STATE OF GUJARAT

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Appearance:

MR MAHESH K POOJARA(5879) for the Applicant(s) No. 1

MR HARDIK SONI, APP (2) for the Respondent(s) No. 1

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CORAM: **HONOURABLE MR. JUSTICE ILESH J. VORA****Date : 30/04/2021****ORAL ORDER**

1. The applicant, by way of this application filed under Section 439 of the Code of Criminal Procedure, seeks regular bail in connection with the **FIR being No. 11213043200607 of 2020 of registered with Patanvav Police Station, Dist. Rajkot Rural**, for the offences punishable under Sections 307, 324, 323, 452 of Indian Penal Code and Section 135 of G.P.Act.
2. The learned counsel appearing for the applicant submits that the the applicant is behind the bar since 24.11.2020. Investigation is over and the chargesheet has already been filed against the applicant. The conclusion of trial may take time. Nothing is now to be recovered from the applicant. Therefore, the applicant may be enlarged on bail by any stringent terms and conditions.
3. Learned APP has opposed the bail application contending that considering the conduct of the applicant and nature of

accusation, the discretion may not be exercised in favour of the applicant.

4. Considering the contentions put forth by the counsel for the applicant and taking into account the facts and circumstances of the case, it appears that the applicant is in custody since 24.11.2020. Further, the injured has been discharged from the hospital. This Court does not see any good reason to detain the accused in custody that too after completion of investigation and filing of the chargesheet. Further detention of the applicant as pre-trial prisoner would not serve any purpose. Therefore, without expressing anything on merits of the case, this Court deems fit to enlarge the applicant on bail.
5. Hence, present application is allowed and the applicant is ordered to be released on regular bail in connection with the **FIR being No. 11213043200607 of 2020 of registered with Patanvav Police Station, Dist. Rajkot Rural**, on executing a personal bond of Rs.10,000/- (Rupees Ten thousands only), with one surety of the like amount to the satisfaction of the learned Trial Court and subject to the conditions that he shall;

No.	Conditions
(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)	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 the trial Court;
(f)	Shall not enter into the jurisdictional area of Patanvav Police Station and not leave the Gujarat State for a period of six months from the actual date of his arrest.

6. 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 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 applicant on bail. Rule is made absolute to the aforesaid extent.
7. Registry to send a copy of this order to the concerned Jail Authority as well as Id. Sessions Court forthwith through fax and e-mail.

(ILESH J. VORA,J)

SUCHIT