

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CRIMINAL MISC.APPLICATION NO. 5987 of 2021**

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YOGESHBHARTI NARANBHARTI GOSAI

Versus

STATE OF GUJARAT

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Appearance:

MR. AAMIR S PATHAN(7142) for the Applicant(s) No. 1

MS KRINA CALLA 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 present bail application has been filed under Section 439 of the Code of Criminal Procedure. The applicant has been arrested in connection with **FIR being 11197005201322, registered with Vadodara Taluka Police Station, Dist.: Vadodara Rural** for the offences punishable under Sections 465, 467, 468 and 471 of IPC.
2. The learned counsel appearing for the applicant submits that the applicant is behind the bar since 19.11.2020. The chargesheet has been filed against the applicant. The conclusion of trial may take time. The prosecution case is based on documentary evidence.
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 raised by learned counsel for the applicant and taking into account the facts and circumstances of the present case, it appears that the chargesheet has already been filed and since 19.11.2020, the applicant is in jail. The prosecution case is based on documentary evidence. There is no serious contention that the accused, if released on bail, would interfere with the trial or tamper with the evidence. This Court does not see any good reason to detain the accused in custody, that too, after the completion of the investigation and filing of the chargesheet. Under the circumstances, without expressing anything on merits of the case, this Court deems it just and proper to enlarge the applicant on bail.

5. Hence, present application is allowed. Rule is made absolute. The applicant is ordered to be released on regular bail in connection with the **FIR being 11197005201322, registered with Vadodara Taluka Police Station, Dist.: Vadodara 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 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 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;

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 Ld. Sessions Court forthwith through fax and e-mail.

(ILESH J. VORA,J)

P.S. JOSHI