

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CRIMINAL MISC.APPLICATION NO. 13851 of 2022**

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OSANALI @ HUKAM ANWARBHAI SOLAKI
Versus
STATE OF GUJARAT

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Appearance:

MR M R MOLAVI(3362) for the Applicant(s) No. 1

MS CM SHAH, APP for the Respondent(s) No. 1

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CORAM:HONOURABLE MR. JUSTICE ILESH J. VORA

Date : 29/07/2022**ORAL ORDER**

1. Rule. Learned APP waives service of notice of Rule on behalf of respondent State. By consent, Rule is fixed forthwith.

2. 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 C.R. No.11217036210707 of 2021 registered with Varahi Police Station, Dist. Patan**, for the offences punishable under Sections 308, 379, 427, 120(B), 34, 411, 413, 419, 465, 467, 468 and 471 of the IPC and Sections 15(2), 15(4) and 16(A) and 4 of the Petroleum and Minerals Pipelines Acquisition of Right of User in Land Act, 1962 (Amendment Act - 2011) and Section 3 of Prevention of Damage to Public Property Act and Section 4 of the Explosive Substances Act and Sections 3 and 7 of Essential Commodities Act.

3. It is the submission of learned counsel for the applicant that he is suffering confinement since 14.05.2022 and charge-

sheet has already been filed. Hence, further detention of the applicant is unwarranted.

4. 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.

5. On perusal of charge-sheet case papers, it appears that, the applicant herein has been apprehended as accused no.17 in the alleged offence. It is alleged against the present applicant that he provided dummy sim cards to the co-accused so as to hide their identity. In such circumstances, considering the role attributed to the present applicant and the evidence in support of the charge, this Court is of the view that the applicant has made out a case for bail.

6. Hence, present application is allowed and the applicant is ordered to be released on regular bail in connection with the **FIR being C.R. No.11217036210707 of 2021 registered with Varahi Police Station, Dist. Patan**, 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;

7. 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. Direct service is permitted.

TAUSIF SAIYED

(ILESH J. VORA,J)