

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CRIMINAL MISC.APPLICATION NO. 20835 of 2021**

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BHARAT @ BODIYO GAMBHIRBHAI PARMAR
Versus
STATE OF GUJARAT

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Appearance:

MR HARSHAD K PATEL(2844) for the Applicant(s) No. 1
MR PRANAV TRIVEDI, ADDL. PUBLIC PROSECUTOR for the
Respondent(s) No. 1

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CORAM:HONOURABLE MS. JUSTICE GITA GOPI

Date : 31/01/2022

ORAL ORDER

1. This application has been filed under section 439 of the Code of Criminal Procedure for regular bail in connection with the FIR being C.R.No. 11198048210286 of 2021 registered with Songadh Police Station, District Bhavnagar, for offences punishable under sections 397, 394, 450 and 114 of Indian Penal Code and under section 135 of Gujarat Police Act.

2. Today the mother and wife of the petitioner is present virtually before this Court through the office of learned advocate Ms. Badheka. Both of them have assured that the petitioner henceforth would not get involve in any such offence.

3. Mr. Harshad Patel, learned advocate for the petitioner submitted that the allegation against the petitioner is of illegal trespassing and injuring the witness with pipe and stick and committing loot of gold ornaments worth Rs.50,000/-. Learned

advocate for the petitioner submitted that the alleged muddamal has been recovered from the co-accused. It was, therefore, prayed that the present application may be allowed and the petitioner herein may be released on regular bail.

4. Learned APP submitted that serious offence has been committed by the petitioner which affects the safety of the individual as well as the society. Learned APP submitted that if the petitioner is released on bail, then he may continue with such illegal activities, and therefore, it was urged that no discretion may be exercised in favour of the petitioner.

5. Heard learned advocates on both the sides and perused the material on record. Taking into consideration the fact that there are no criminal antecedents against the petitioner and the alleged muddamal has been recovered from the co-accused and also fact that the trial will take its own time to conclude; this Court is of the opinion that the discretion could be exercised in favour of the petitioner to enlarge him on bail.

6. Hence, the present application is allowed. The petitioner is ordered to be released on regular bail in connection with FIR being C.R.No. 11198048210286 of 2021 registered with Songadh Police Station, District Bhavnagar, on executing a personal bond of Rs.15,000/- (Rupees Fifteen Thousand only) with one surety of the like amount to the satisfaction of the trial Court and subject to the conditions that he 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] 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 petitioner 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 lower Court having jurisdiction to try the case.

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.

A.M.A. SAIYED

(GITA GOPI,J)