

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/CRIMINAL MISC.APPLICATION NO. 18155 of 2022**

RAMESHBHAI ZIPARBHAI CHAUDHARY
Versus
STATE OF GUJARAT

Appearance:

MR ADIL R MIRZA(2488) for the Applicant(s) No. 1
for the Respondent(s) No. 2

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

CORAM:HONOURABLE MR. JUSTICE ILESH J. VORA

Date : 30/09/2022

ORAL ORDER

1. **Rule.** Learned APP waives service of notice of Rule for and on behalf of the respondent – State.

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. 11200018220908 of 2022 registered with Dharampur Police Station, Dist.: Valsad**, for the offences punishable under Section 11(d), (e) of the Prevention of Animal From Cruelty Act, 1960 and Sections 6-A, 8(1)(4) and 10 of the Gujarat Animal Preservation Act, 2011 and Section 6(A) of the Gujarat Animal Preservation (Amendment) Act, 2017 as well as Section 119 of the Gujarat Police Act, 1951 and Sections 123 and 192 of the Motor Vehicles Act, 1989.

3. It is the submission of learned counsel for the applicant that the applicant is in judicial custody since 14.09.2022. He further submitted that considering the role attributed to the present applicant, the applicant may be enlarged on regular bail on any

terms and conditions.

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. Having heard learned advocates for the respective parties and upon perusal of material placed on record, it appears that the applicant, being a driver of the vehicle, has been apprehended while transporting the prohibited live animals. The applicant does not have any past record. In such circumstances, I am inclined to enlarge the applicant on regular bail.
6. Hence, the bail application is allowed and the applicant is ordered to be released on regular bail in connection with the **FIR being C.R. No. 11200018220908 of 2022 registered with Dharampur Police Station, Dist.: Valsad**, 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)	mark presence before the concerned Police Station on every alternate Monday between 11:00 a.m. and 01:00 p.m. till filing of the chargesheet.

7. The authorities shall release the applicant if he is not required in connection with the any other offence. If breach of any above condition is committed, the Sessions Judge concerned shall take appropriate action or issue warrant against the applicant. The bail bond to be executed before the learned trial Court having jurisdiction to try the case. It will be open for the sessions judge concerned to delete, modify and/or relax any of the above conditions, in accordance with law. Nothing stated hereinabove, shall tantamount to the expression of any opinion on the merits of this case. Rule is made absolute to the aforesaid extent. Direct service permitted.

(ILESH J. VORA,J)

Rakesh