

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CRIMINAL MISC.APPLICATION NO. 742 of 2023**

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DHIRENBHAI ASHWINBHAI ADHIKARI

Versus

STATE OF GUJARAT

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Appearance:

S D MANSURI(7509) for the Applicant(s) No. 1

MS SHRUTI PATHAK, APP for the Respondent(s) No. 1

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CORAM:HONOURABLE MS. JUSTICE GITA GOPI**Date : 28/02/2023****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 No. 11191017210045/2021 registered with Gujarat University Police Station, Ahmedabad for offences punishable under sections 408, 465, 467, 468, 471, 120B of IPC.
2. Learned advocate for the complainant seeks permission to file Vakalatnama. Let Vakalatnama be accepted. It is stated that about 10 witnesses are examined and as per the charge-sheet, there are about

30 witnesses cited in the judgment. Advocate Mr. Mansuri, by referring to the order dated 10.8.2022 passed in Criminal Misc. Application no.3905 of 2022 submits that the trial could not be concluded within reasonable time, as directed and states that in view of witnesses, trial would prolong.

3. Mr. Mansuri further states that the applicant has volunteered to deposit Rs.2 crores before the Trial Court.
4. Keeping in view the order dated 10.8.2022 passed in Criminal Misc. Application no.3905 of 2022 and the fact that trial is under progress, but would take its own time to conclude and when wife of the applicant has been released on bail by order dated 27.2.2023 passed in Criminal Misc. Application no.2291 of 2023, discretion is exercised to enlarge the applicant on bail.
5. Hence, the present application is

allowed. The applicant is ordered to be released on regular bail in connection with FIR No. 11191017210045/2021 registered with Gujarat University Police Station, Ahmedabad 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 the applicant 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;

[f] shall deposit Rs.1 crore (Rupees one crore only) before the Trial Court within a period of 15 (fifteen) days from the date of actual release and remaining amount of Rs.1 crore (Rupees one crore only) be deposited within subsequent one month, in failure, the complainant can approach this Court for cancellation of bail.

6. The authorities shall adhere to its own Circular relating to COVID-19 and, thereafter, will release the applicant only if the applicant 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. Direct service is permitted. Registry to communicate this order to the concerned Court/authority by Fax or Email forthwith.

Maulik

(GITA GOPI,J)