

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CRIMINAL MISC.APPLICATION NO. 20710 of 2022**

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OKONKWO PERPETUAL GIFT @ MICAL GIFT @ SOFIYA KENEDI
Versus
STATE OF GUJARAT

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Appearance:

MR. KISHAN H DAIYA(6929) for the Applicant(s) No. 1

MR JK SHAH APP for the Respondent(s) No. 1

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CORAM:HONOURABLE MR. JUSTICE SAMIR J. DAVE

Date : 11/11/2022

ORAL ORDER

RULE. Learned APP waives service of notice of rule on behalf of the respondent State.

1. This application has been filed under section 439 of the Code of Criminal Procedure for regular bail in connection with the complaint being FIR No.11202009211084 registered with City 'B' Division Police Station, Jamnagar for offences punishable under sections 406, 420 and 120(B) of IPC and section 66(d) of the Information Technology Act.

2. Learned advocate for the applicant submitted that the applicant is a lady accused and is in jail since July 2021. No recovery has been made from the applicant. Further, the co-accused has also been enlarged on bail. It was, therefore,

prayed that the present application may be allowed and the applicant herein may be released on regular bail.

3. Learned APP submitted that the offence alleged against the applicant is serious in nature and if released on bail, she would flee justice and would not be available for trial. It was, therefore, prayed that no discretion may be exercised in favour of the applicant.

4. Heard learned advocates on both the sides and perused the material on record. Considering the allegations made in the impugned FIR, the role attributed to the applicant and since trial will take its own time to conclude, this Court finds this to be a fit case where discretion could be exercised in favour of the applicant.

5. Hence, the present application is allowed. The applicant is ordered to be released on regular bail in connection with the complaint being FIR No.11202009211084 registered with City 'B' Division Police Station, Jamnagar on executing a personal bond of Rs.10,000/- (Rupees Ten 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;

6. 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 trial Court below having jurisdiction to try the case.

7. Rule is made absolute to the aforesaid extent. Direct service is permitted.

(SAMIR J. DAVE,J)

PRAVIN KARUNAN