

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CRIMINAL MISC.APPLICATION NO. 19127 of 2022**

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RASIKLAL NARANBHAI VADALIYA

Versus

STATE OF GUJARAT

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Appearance:

MR ROHAN G VAGHELA(12034) for the Applicant(s) No. 1

MRS KRINA CALLA, APP for the Respondent(s) No. 1

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CORAM:HONOURABLE MR. JUSTICE ILESH J. VORA**Date : 06/12/2022****ORAL ORDER**

1. The applicant, by way of this successive application filed under Section 439 of the Code of Criminal Procedure, seeks regular bail in connection with the **FIR being C.R. No.11202058220014 of 2022 registered with Cyber Crime Police Station, Dist. Jamnagar**, for the offences punishable under Sections 354A(2), 354C, 354D, 465, 469, 471, 500, 503, 504 and 506(2) of the IPC and Sections 66(c), 66(e), 67, 67(A) and 67(b) of the Information Technology Act and Sections 12, 14 and 15 of the POCSO Act.

2. It is the submission of learned counsel for the applicant that he is suffering confinement since 05.08.2022 and charge-sheet has already been filed. Hence, further detention of the applicant is unwarranted.

3. 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.

4. Having heard learned advocates appearing for the respective parties and upon perusal of the material placed on record, it appears that, the applicant is in custody since August, 2022. After filing of the charge-sheet, there is no substantial progress in the case. Therefore, further custody of the applicant is not necessary. In such circumstances, without expressing any opinion on the merits of the case, imposing stringent conditions, this Court is of the view that the matter deserves consideration.

5. 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.11202058220014 of 2022 registered with Cyber Crime Police Station, Dist. 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 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)	not enter in Taluka: Kalavad, Dist: Jamnagar till recording evidence of victim;

6. 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.

(ILESH J. VORA,J)

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