

Gujarat High Court

Indravadanbhai vs State on 10 February, 2011

Author: H.B.Antani,&Nbsp

Gujarat High Court Case Information System

Print

CR.MA/10432/2010

4/ 4 ORDER

IN
THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL
MISC.APPLICATION No. 10432 of 2010

=====

INDRAVADANBHAI
POPATLAL DOSHI - Applicant(s)

Versus

STATE
OF GUJARAT - Respondent(s)

=====

Appearance :
MR
PM THAKKAR, SR. ADVOCATE WITH MR MANAV A MEHTA for Applicant.
MR
KP RAVAL, ADDL. PUBLIC PROSECUTOR for
Respondent.

=====

CORAM

:

HONOURABLE

MR. JUSTICE H.B.ANTANI

Date
: 08/10/2010

ORAL
ORDER

This is an application under Sec.439 of the Code of Criminal Procedure, 1973 by the applicant who came to be arrested in connection with CR No. I-60 of 2009 registered with Chuda police station, District-Surendranagar for the offence punishable under Sections 409, 465, 467, 468, 471 and 114 of Indian Penal Code.

Mr.

P.M. Thakkar, learned senior counsel at the outset submitted that the total amount involved in the present case is approximately Rs. 6,03,264/- and a co-accused has been released by this Court by order dated 12.03.2010 passed in Criminal Misc. Application No. 1777 of 2010 on condition of depositing Rs.3.00 lacs [Rupees Three Lacs] before the trial court. He further submitted that the applicant is ready and willing to deposit the remaining Rs.3.00 lakhs subject to his rights and contentions that may be raised before the trial court. Considering the aforesaid aspect and the role attributed to the applicant which is reflected in the FIR, he deserves to be enlarged on bail.

Mr.

K.P. Raval, learned Additional Public Prosecutor on the other hand submitted that the applicant is facing charge for the offence punishable under Sections 409, 465, 467, 468, 471 and 114 of Indian Penal Code. Considering the peculiar facts and circumstances of the case, the applicant cannot claim parity with the co-accused released vide order dated 12.03.2010 passed in Criminal Misc. Application No. 1777 of 2010. He submitted that considering the role played by the applicant and the

manner in which the offence is committed by him, no discretionary relief be granted and the application be dismissed.

I have heard the learned advocates of both the sides at length and in great detail. Having considered the rival submissions and on perusal of the averments made in the application, role attributed to the applicant which is reflected in the FIR, willingness of the applicant to deposit the amount of Rs. 3.00 lakhs [Rupees Three Lakhs] before the trial court, provisions of sections 409, 465, 467, 468, 471 and 114 of IPC and quantum of punishment etc., I am of the view that the applicant deserves to be enlarged on bail without discussing the evidence in detail.

For the foregoing reasons, the application is allowed and the applicant is ordered to be enlarged on bail in connection with CR No. I-60 of 2009 registered with Chuda Police Station, District-Surendranagar, on his his depositing an amount of Rs.3.00 Lacs [Rupees Three Lacs] before the trial court within one week from the date of his release and on executing a 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 his liberty or abuse his liberty;

[b] not act in a manner injurious to the interest of the prosecution;

[c] surrender his passport, if any, to the lower Court within a week;

[d] not leave the State of Gujarat without the prior permission of the Sessions Court concerned;

[e] mark his presence at the concerned Police Station on any day of first week of every English calendar month between 9.00 AM and 2.00 PM. till the trial is over;

[f] furnish the present address of his residence to the I.O. and also to the Court at the time of execution of the bond and shall not change his residence without prior permission of this Court;

[g] maintain law and order.

If breach of any of the above conditions is committed, the Sessions Judge concerned will be free to issue warrant or to take appropriate action in the matter.

The amount of Rs. 3.00 Lacs that may be deposited by the applicant before the trial court shall be invested by the trial court in a Fixed Deposit in any nationalized bank in the name of Registrar of the trial court for a period of five years and on expiry of the period of five years, the same shall be renewed from time to time till the trial is over.

Bail bond to be executed before the lower Court having jurisdiction to try the case.

At the trial, the 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.

mathew
ANTANI, J.]

[H.B.]

Top