

Gujarat High Court

Chhanabhai vs State on 1 March, 2011

Author: Anant S. Dave,&Nbsp

Gujarat High Court Case Information System

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CR.MA/1958/2011 2/ 2 ORDER

IN  
THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL

MISC.APPLICATION No. 1958 of 2011

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CHHANABHAI  
BABUBHAI MANSURIYA (CHU.KOLI) - Applicant(s)

Versus

STATE  
OF GUJARAT - Respondent(s)

=====

Appearance :  
MR  
DIPEN K DAVE for Applicant

Mr.  
A.J. Desai, APP, for respondent  
No.1,

=====

CORAM

:

HONOURABLE

MR.JUSTICE ANANT S. DAVE

Date  
: 01/03/2011

ORAL  
ORDER

This application is filed under Section 439 of the Code of Criminal Procedure in connection with first information report registered at C.R.No.I-48 of 2010 with Thangadh police station for the offences punishable under Sections 363, 366, 376, 546, 468, 471 and 114 of the Indian Penal Code.

The learned counsel for the applicant submits that considering the version of the prosecutrix and other attending circumstances and the investigation is over and charge sheet is filed. He, therefore, submits that this application for bail may kindly be considered.

The learned Additional Public Prosecutor has opposed grant of bail looking to the nature and gravity of offence.

In the facts and circumstances of the case and considering the nature of allegations and role attributed to the applicant, without discussing the evidence in detail, prima facie, this Court is of the opinion that this is a fit case to exercise the discretion to enlarge the applicant on bail.

The parties do not press for further reasoned order.

In the facts and circumstances of the case, the application is allowed and the applicant is ordered to be released on bail in connection with first information report registered at C.R.No.I-48 of 2010 with Thangadh Police Station on his executing a bond of Rs.5,000/- (Rupees five thousand only) with one surety of the like amount to the satisfaction of the trial court and subject to the conditions that he shall i. not take undue advantage of his liberty or misuse his liberty;

not act in a manner injuries to the interest of the prosecution;

surrender his passport, if any, to the lower court within a week;

not leave the State of Gujarat without prior permission of the Sessions Judge concerned;

mark his presence at the concerned police station on the first Sunday of every month between 10 a.m. And 3 p.m for three months only;

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 the residence without prior permission of this Court;

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 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. D.S. Permitted.

(Anant S. Dave, J.) (swamy) Top