

Gujarat High Court

Atikbhai(Atit) vs State on 22 September, 2010

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Gujarat High Court Case Information System

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CR.MA/10472/2010

2/ 3 ORDER

IN
THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL

MISC.APPLICATION No. 10472 of 2010

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ATIKBHAI(ATIT)

NILESHBHAI SHAH - Applicant(s)

Versus

STATE

OF GUJARAT - Respondent(s)

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Appearance :

MR

BA SURTI for

Applicant(s) : 1,

MR MR MENGDEY, APP for Respondent(s) :

1,

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CORAM

:

HONOURABLE

MR.JUSTICE RAJESH H.SHUKLA

Date
: 22/09/2010

ORAL
ORDER

1. Present application has been filed by the applicant for grant of regular bail under Section 439 of Cr.P.C. after the charge-sheet is filed.
2. The applicant accused is charged with having committed offences punishable under Sections 304, 279, 337, 338 of the Indian Penal Code and under Section 177 and 184 of the Motor Vehicle Act for which F.I.R. being CR No.I-164/2010 has been registered with Khatodara Police Station, Surat.
3. Learned Advocate Mr. Surti referred to the FIR and submitted that it is a case of vehicular accident where the persons have lost their lives. Further, he submitted that as per the FSL report the left side tyre of the vehicle has been burst which resulted into accident and therefore present application may be allowed.
4. Learned APP Mr. MR Mengdey resisted the application stating that 5 passerby have lost their lives and the gravity of the offence may be considered though it was an accident.
5. Having heard the learned Advocate Mr. Surti as well as learned APP and having considered the nature of offence, the manner in which it is alleged to have been committed, role attributed and also considering the fact that charge-sheet has not been filed, the present application deserves to be allowed subject to the conditions hereinafter.
6. Accordingly, present application stands allowed. The applicant is ordered to be released on regular bail in connection with the F.I.R. being CR No.I-164/2010 registered with Khatodara Police Station, Surat, on his executing a bond of Rs.5,000/- (Rupees Five Thousand) with one solvent surety of the like amount to the satisfaction of the lower Court and subject to the conditions that he shall:
 - (a) not take undue advantage of his liberty or abuse his liberty.
 - (b) not to try to tamper or pressurize the prosecution witnesses or complainant in any manner.
 - (c) not act in any manner injurious to the interest of the prosecution.
 - (d) maintain law and order and should cooperate with the investigating officers.
 - (e) mark his presence before concerned Police Station on 1st Monday of every month of English calender between 11:00 AM to 2:00 PM till the trial commences;

(f) furnish the address of his residence to the Investigating Officer and also to the Court at the time of execution of the bond and shall not change his residence without prior permission of the Court.

(g) surrender his passport, if any, to the lower Court, within a week.

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

8. Bail before the lower Court having jurisdiction to try the case. It would be open to the trial Court concerned to give time to furnish the solvency certificate if prayed for.

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

(RAJESH H.SHUKLA, J.) jani Top