

Gujarat High Court

Hirji vs State on 25 July, 2008

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Gujarat High Court Case Information System

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CR.MA/9716/2008 3/ 3 ORDER

IN  
THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL

MISC.APPLICATION No. 9716 of 2008

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HIRJI  
LAKHUBHAI GHEDA - Applicant(s)

Versus

STATE  
OF GUJARAT - Respondent(s)

=====

Appearance  
:  
MS  
SHALINI S MAIR for  
Applicant(s) : 1,  
MR KP RAVAL, APP for Respondent(s) :  
1,  
=====

CORAM  
:

HONOURABLE  
MR.JUSTICE Z.K.SAIYED

Date  
: 25/07/2008

ORAL  
ORDER

1. Rule.

Mr.K.P. Raval, learned APP waives service of Rule on behalf of respondent.

2. This application has been preferred under Section 439 of the Code of Criminal Procedure, 1973 in connection with the offence being CR No.I-72 of 2008 registered with Mandvi Police Station, Mandvi Dist. Bhuj for the offence u/s. 306, 114 I.P. Code.

3. Having heard the learned Counsel for both the sides and looking to the facts and circumstances of the case, statement of the witnesses, gravity of the offence and also the fact now the charge-sheet is filed, I am inclined to grant bail to the applicant.

4. Considering the above, this Application is allowed. The applicant is ordered to be released on bail in connection with CR No.I-72 of 2008 registered with Mandvi Police Station, Mandvi (Dist. Bhuj), for the offence alleged against him in this application 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 -

- a) not take undue advantage of his liberty or abuse his liberty;
- b) not to try to tamper or pressurise the prosecution witnesses or complainant in any manner;
- c) maintain law and order and should cooperate the Investigating Officers;
- d) not act in a manner injurious to the interest of the prosecution;
- e) not leave the local limits of State of Gujarat without the prior permission of the concerned Sessions Judge.
- f) furnish the 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;

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

5. 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.

6. 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.

7. Rule is made absolute. Direct service is permitted.

(Z.K.SAIYED,J.) sas    Top