

Gujarat High Court

Dharmendra vs State on 15 December, 2010

Author: Anant S. Dave,&Nbsp

Gujarat High Court Case Information System

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CR.MA/15086/2010

3/ 3 ORDER

IN
THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL
MISC.APPLICATION No. 15086 of 2010

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DHARMENDRA
@ DHAMO POPATBHAI SANGHANI - Applicant(s)

Versus

STATE
OF GUJARAT - Respondent(s)

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Appearance:

MR
HARDIK A DAVE for
Applicant(s) : 1,MR SANDEEP R LIMBANI for Applicant(s) : 1,
Mr
Kartik Pandya, Addl. PUBLIC PROSECUTOR for Respondent(s) :
1,
=====

CORAM

:

HONOURABLE

MR.JUSTICE ANANT S. DAVE

Date
: 15/12/2010

ORAL
ORDER

1. This application filed under section 439 of the Criminal Procedure Code, 1973 is preferred by the applicant who is an accused in connection with FIR registered being 1-CR No. 65 of 2009 with Kalavad police station for the offences punishable under sections 364, 365, 302, 201 and 120-B of Indian Penal Code.

2. Mr H.A. Dave, learned Advocate appearing for the applicant submits that the involvement of the applicant is only on the basis of statement of the co-accused and nothing is recovered or discovered and in absence of any other material in the charge sheet connecting the applicant-accused with the crime and the other co-accused are enlarged by the court concerned, the applicant may also be enlarged on bail.

3. Learned APP submits that considering the nature of the offence and the applicant being the main accused at whose behest the conspiracy was hatched and ultimately offence under section 302 of the IPC was registered. It is further submitted that certain statements of the witnesses including one Chhaganbhai Khatrani who has stated that the applicant had played an overt-act. Besides, considering the injuries found on the body and other attending circumstances, the applicant may not be enlarged on bail.

4. Having heard the learned counsel for the parties and considering the facts and circumstances, prima facie, it appears that the applicant was one of the conspirators and in furtherance of the conspiracy hatched, the victim was done to death. It further transpires that certain mobile calls including the call received by the present applicant from other co-accused, statement of Chhaganbhai and other attending circumstances along with recovery of the cash amount would certainly go against the present applicant and the prosecution has made out a good case and rest of the things will be the subject matter of the trial.

5. In view of the aforesaid, no case is made out to grant bail to the applicant. The application is accordingly rejected.

[ANANT S. DAVE, J.] msp Top