

Gujarat High Court

Gopalbhai vs State on 12 July, 2011

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Gujarat High Court Case Information System

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CR.MA/9664/2011 3/ 3 ORDER

IN  
THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL  
MISC.APPLICATION No. 9664 of  
2011

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GOPALBHAI  
KANUBHAI SONI - Applicant(s)

Versus

STATE  
OF GUJARAT - Respondent(s)

=====

Appearance  
:  
MR  
ASHISH M DAGLI for  
Applicant(s) : 1,  
MRS. MANISHA L. SHAH, ADDL. PUBLIC PROSECUTOR  
for Respondent(s) :  
1,  
=====

CORAM

:

HONOURABLE

MR.JUSTICE ANANT S. DAVE

Date  
: 12/07/2011

ORAL  
ORDER

RULE.

Learned APP Mrs. Manisha L. Shah waives service of notice of Rule for the respondent - State.

This application is filed under Section 439 of the Code of Criminal Procedure in connection with First Information Report registered as I-C.R. No.37/2011 with Rajgadh Police Station, Panchmahal for the offences punishable u/s. 380, 114, 411 and 413 of the Indian Penal Code and u/s.135 of the Bombay Police Act.

Learned Counsel appearing for the applicant submits that the allegations against the applicant - a gold smith having a small shop in a tribal area are of allegedly purchasing stolen goods and considering the role, punishment prescribed and that the case is triable by a Magistrate, by imposing suitable conditions, the applicant may be enlarged on bail.

Heard learned APP Mrs. Manisha L. Shah for the respondent-State.

Having heard learned Counsels for the parties and perusing the record of the case and taking into consideration the facts of the case, nature of allegations, role attributed to the applicant, by imposing suitable conditions, I deem it just and proper to enlarge the applicant on bail.

Learned Counsels for 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 as I-C.R. No.37/2011 with Rajgadh Police Station, Panchmahal, on 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 liberty or misuse 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 prior permission of the Sessions Judge concerned;
- e) mark or before the concerned Police Station on every 1st and 15th day of every English Calendar month between 11.00 a.m. to 2.00 p.m. for three months only;
- f) furnish the present 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 the residence without prior permission of this Court;

The authorities will release the applicant only if 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 made absolute. Direct Service is permitted.

(Anant S. Dave, J.) Caroline Top