

Gujarat High Court

Rameshbhai vs State on 22 October, 2010

Author: Z.K.Saiyed,&Nbsp

Gujarat High Court Case Information System

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CR.MA/12167/2010

3/ 3 ORDER

IN
THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL
MISC.APPLICATION No. 12167 of 2010

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RAMESHBHAI
DANABHAI SELAVADA - Applicant(s)

Versus

STATE
OF GUJARAT - Respondent(s)

=====

Appearance
:
MR ZUBIN F
BHARDA for
Applicant(s) : 1,
MR HH PARIKH, LD. ADDL. PUBLIC PROSECUTOR for
Respondent(s) : 1,
=====

CORAM

:

HONOURABLE

MR.JUSTICE Z.K.SAIYED

Date
: 22/10/2010

ORAL
ORDER

Rule.

Mr.H.H. Parikh, learned Additional Public Prosecutor, waives service of Rule on behalf of the respondent-State.

This application is filed by the applicant under Section 439 of the Criminal Procedure Code, 1973 for releasing him on regular bail in connection with CR No.I-26 of 2010 registered with Mahila Police Station, Rajkot, for the offences punishable under Sections 498-A, 306, 323, 504 and 114 of the Indian Penal Code.

Heard learned counsel for Mr.Zubin Bharda, learned counsel for the applicant and Mr.H.H. Parikh, learned Additional Public Prosecutor for the State.

Learned counsel for the applicant has submitted that the applicant is innocent and has not committed any offence. He has also contended that the applicant also got seriously injured while trying to save the deceased. He has also contended that the present applicant is falsely implicated in the present case. He, therefore, contended that the applicant is required to be released on regular bail.

As against this, Mr.Parikh, learned Additional Public Prosecutor, has strongly opposed the present application and read the order passed by the trial Court.

I have gone through the order passed by the trial Court as well as papers produced on record of the case. Looking to the allegations levelled against the applicant, I am inclined to release him on regular bail.

Learned counsel for the parties do not press for a reasoned order.

Considering the submissions made on behalf of the parties and having regard to the facts and circumstances of the case, the application is allowed and applicant is ordered to be released on bail in connection with CR No.I-26 of 2010 registered with Mahila Police Station, Rajkot for the offences alleged against him in this application on his executing a bond of Rs.10,000/- (Rupees Ten Thousand Only) with one solvent surety of the like amount to the satisfaction of the lower Court and subject to the conditions that he shall, (I) not take undue advantage of his liberty or abuse his liberty;

(ii) not act in a manner injurious to the prosecution;

(iii) not leave the local limits of State of Gujarat without the prior permission of the concerned Sessions Judge;

(iv) furnish the present address of residence to the Investigating Officer as well as to the Court at the time of furnishing bond and shall not change his residence till further orders ;

(v) Surrender his passport, if any, to the lower Court within a week;

(vi) maintain law and order;

The Authority 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 concerned Sessions Judge 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.

Direct Service is permitted.

(Z.

K. Saiyed, J) Anup Top