

Gujarat High Court

Mohsinkhan vs State on 16 August, 2011

Author: Anant S. Dave,

Gujarat High Court Case Information System

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CR.MA/11591/2011

4/ 4 ORDER

IN

THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL

MISC.APPLICATION No. 11591 of 2011

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MOHSINKHAN

ILYASKHAN PATHAN - Applicant(s)

Versus

STATE

OF GUJARAT - Respondent(s)

=====

Appearance :

MR

HITESH L GUPTA for

Applicant(s) : 1,

MRS. MANISHA L. SHAH, ADDL. PUBLIC PROSECUTOR

for Respondent(s) :

1,

=====

CORAM

:

HONOURABLE

MR.JUSTICE ANANT S. DAVE

Date
: 16/08/2011

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.81/2011 with Manjalpur Police Station, Vadodara for the offences punishable under Sections 143, 147, 148, 149, 506(2), 307 and 120(B) of the Indian Penal Code and under Section 135 of the B.P. Act.

Learned Counsel appearing for the applicant submits that the co-accused - Rashidkhan Ilyaskhan Pathan is enlarged on bail by the Co-ordinate Bench vide an order dated 09.06.2011 passed in Criminal Miscellaneous Application No.7720/2011 and the other co-accused is also enlarged by this Court vide an order dated 08.07.2011 passed in Criminal Miscellaneous Application No.9399/2011. It is further submitted that considering the above, nature of accusations and that now the injured is discharged coupled with other attending circumstances, 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.81/2011 with Manjalpur Police Station, Vadodara, 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 presence at the concerned Police Station on the first Sunday of every month between 10.00 a.m. and 3.00 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.

Sd/-

(Anant S. Dave, J.) Caroline Top