

Gujarat High Court

Godhabha vs State on 17 February, 2011

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Gujarat High Court Case Information System

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CR.MA/1560/2011 3/ 3 ORDER

IN
THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL
MISC.APPLICATION No. 1560 of 2011

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GODHABHA
NAGSURBHAI MALANI CHARAN - Applicant(s)

Versus

STATE
OF GUJARAT - Respondent(s)

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Appearance :
MR
PB KHANDHERIA for Applicant(s) : 1,
MR AJ DESAI APP for
Respondent(s) :
1,
=====

CORAM

:

HONOURABLE

MR.JUSTICE ANANT S. DAVE

Date
: 17/02/2011

ORAL
ORDER

This application is filed under Section 439 of the Code of Criminal Procedure in connection with first information report registered at CR No.I 98/2010 with Lodhika Police Station, Rajkot, for the offences punishable under Sections 302, 147, 148, 149, 504, 506(2) and 34 of IPC.

It is submitted that the allegations against the applicant are of witnessing incident in question and the same is noticed by Learned additional Sessions Judge in the order dated 21st January, 2011 and considering the above fact, I am inclined to enlarge the applicant on bail.

Heard learned APP for the respondent - State.

Learned counsel 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 at CR No.I 98/2010 with Lodhika Police Station, Rajkot, 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 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. till the trial commences;

(f) furnish the present 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;

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 is made absolute to the aforesaid extent. D.S. Permitted.

(ANANT S. DAVE, J.) (ashish) Top