

Gujarat High Court

Aheshansha @ Amit Shabbir Sha ... vs State Of Gujarat on 28 September, 2022

Bench: Gita Gopi

R/CR.MA/15577/2022

ORDER DATED: 28/09/2022

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/CRIMINAL MISC.APPLICATION NO. 15577 of 2022

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AHESHANSHA @ AMIT SHABBIR SHA DIWAN
Versus
STATE OF GUJARAT

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Appearance:

HIREN P KANDERA(9497) for the Applicant(s) No. 1
MR PRANAV TRIVEDI, APP for the Respondent(s) No. 1

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CORAM:HONOURABLE MS. JUSTICE GITA GOPI

Date : 28/09/2022

ORAL ORDER

1. This application has been filed under section 439 of the Code of Criminal Procedure for regular bail in connection with the C.R.No.I-100 of 2019 registered with Gandhigram Police Station, Rajkot for offences punishable under Sections 454, 457, 380 and 114 of the IPC.

2. Learned advocate for the applicant submits that the allegations against the present applicant is that the applicant has entered into closed house and looted gold ornaments, revolver with cartridges and two laptops of different companies, and thereby, total value of loot articles is assessed of Rs.1,45,000/-.

R/CR.MA/15577/2022 ORDER DATED: 28/09/2022

3. Learned advocate for the applicant relying on the affidavit of wife of the applicant states that there are 12 criminal antecedents against the present applicant with the different police stations and out of them in 6(six) matters, he has been acquitted and in rest of the matters, he is on bail. It was, therefore, prayed that the present application may be allowed and the applicant herein may also be released on regular bail.

4. Mr. Pranav Trivedi, learned APP submits that the applicant is habitual offender and almost all the FIRs have been lodged under Sections 457 and 380 of the Indian Penal Code. He further submits that his release of bail would be an issue of law order and submitted that inspite of pendency of the

matters against him, he has continued with these illegal activities. It has been stated that revolver has been recovered from the co-accused. As per the charge- sheet, the said accused since deceased has been abated in the matter. It was, therefore, prayed that no discretion may be exercised in favour of the applicant.

5. Considering the fact that the present applicant is acquitted in about 6 matters and remaining matters are still at the stage of trial and proceedings of this R/CR.MA/15577/2022 ORDER DATED: 28/09/2022 matter would take its time to conclude, the discretion is exercised in favour of the applicant.

6. Hence, the present application is allowed. The applicant is ordered to be released on regular bail in connection with C.R.No.I-100 of 2019 registered with Gandhigram Police Station, Rajkot on executing a personal bond of Rs.15,000/- (Rupees Fifteen Thousand only) with one surety of the like amount to the satisfaction of the trial Court and subject to the conditions that the applicant 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 India without prior permission of the concerned trial court;

[e] furnish the present address of residence to the Investigating Officer and also to the Court at the time of execution of the bond and shall not change R/CR.MA/15577/2022 ORDER DATED: 28/09/2022 the residence without prior permission of the concerned trial court;

(g) not involve in any such offence in future.

7. The authorities shall adhere to its own Circular relating to COVID-19 and, thereafter, will release the applicant only if the applicant is 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.

8. Rule is made absolute to the aforesaid extent. Direct service is permitted. Registry to communicate this order to the concerned Court/authority by Fax or Email forthwith.

(GITA GOPI,J) GIRISH