

Gujarat High Court

Dipeshkumar vs State on 13 November, 2008

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Gujarat High Court Case Information System

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CR.MA/13437/2008

4/ 4 ORDER

IN
THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL

MISC.APPLICATION No. 13437 of 2008

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DIPESHKUMAR
JYOTINDRAPRASAD MEHTA - Applicant(s)

Versus

STATE
OF GUJARAT - Respondent(s)

=====

Appearance
:
MR
TS NANA VATI for
Applicant(s) : 1,
MR MAULIK NANA VATI Ld. APP for Respondent(s) :
1,
=====

CORAM

:

HONOURABLE

MR.JUSTICE Z.K.SAIYED

Date
: 13/11/2008

ORAL
ORDER

1. Rule. Mr. Addl. Public Prosecutor waives the service of Rule on behalf of the State.
2. Heard the learned advocate for the applicant and learned APP for the response.
3. This application is filed by the applicant under section 439 of Cr.P.C. For release on regular bail.
4. The learned advocate for the applicant has submitted that the applicant is falsely involved in this case. He read the order passed by the trial Court and prayed to release the applicant on regular bail.
5. As against this, learned APP Mr Maulik Nanavati has strongly opposed this application and read the order passed by the trial Court.
6. I have gone through the order passed by the trial Court as well as the papers produced on record of the case. Looking to the allegations levelled against the applicant, I am inclined to release him on regular bail.
7. Learned advocates for the parties do not press for reasoned order.
8. 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-19/2008 registered at DCB Crime Branch, Ahmedabad City, Ahmedabad, for the offences alleged against him in this application on his executing 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,
 - a) not take undue advantage of his liberty or abuse his liberty;
 - b) not act in a manner injurious to the interest of the prosecution;
 - c) not leave the local limits of State of Gujarat without the prior permission of the concerned Sessions Judge.

d) mark presence before concerned Police Station on every 1st of English Calender month between 9.00 a.m. to 2.00 p.m;

e) furnish the 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;

f) surrender his Passport, if any, to the lower court within a week;

9. The authorities will release the applicant only if he is not required in connection with any other offence for the time being.

10. 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.

11. Bail bond to be executed before the lower Court having jurisdiction to try the case.

12. 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.

13. Rule is made absolute to the aforesaid extent. Direct service is permitted.

[Z.K. SAIYED, J.] mandora/ Top