

Gujarat High Court

Veja vs State on 13 July, 2011

Author: Anant S. Dave,

Gujarat High Court Case Information System

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CR.MA/5325/2011 2/ 2 ORDER

IN
THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL
MISC.APPLICATION No. 5325 of 2011

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VEJA
HAMIR @ POPATBHAI - Applicant(s)

Versus

STATE
OF GUJARAT - Respondent(s)

=====

Appearance :
MR ND
NANAVATY Senior Advocate with MR HRIDAY BUCH for NANAVATY
ADVOCATES for Applicant(s) : 1,
MS ML SHAH APP for Respondent(s) :
1,
=====

CORAM

:

HONOURABLE

MR.JUSTICE ANANT S. DAVE

Date
: 13/07/201

ORAL
ORDER

Learned counsel appearing for the applicant submits that investigation is over and charge sheet is filed. It is further submitted that from the statements of [i] Abdul Sulemanbhai Kathuria, [ii] Kesubhai Sulemanbhai Kathuria and [iii] Ranabhai Karsanbhai and cross complaint filed, it reveals that father of the applicant received knife injury and was treated as indoor patient for few days. It is further submitted that in the backdrop of the allegations levelled in the FIR, ingredients of offences under section 302 of the IPC are not made out. It is submitted that considering the nature of allegations and role attributed to the applicant, by imposing suitable conditions, the applicant may be enlarged on bail.

Heard learned APP for the respondent - State.

Having heard learned counsel for the parties and perusing the record of the case and taking into consideration the facts that charge sheet is filed, father of the applicant received knife injury and was treated as indoor patient for few days, prima facie it appears that ingredients of offences under section 302 of the IPC are not made out at this stage. Therefore, without discussing the evidence in detail, at this stage, I am inclined to enlarge the applicant on bail in connection with .R.No.I-34/2010 of Kalyanpur Police Station, Dist. Jamnagar for the offences punishable under sections 302, 147, 148 of the Indian Penal Code, on furnishing bond of Rs.10,000/- (Rupees ten thousand only) with one surety of the like amount to the satisfaction of the lower Court and on conditions that the applicant shall :

[a] not take undue advantage of liberty or abuse liberty;

[b] not act in a manner injurious to the interest of the prosecution;

[c] maintain law and order;

[d] mark presence before the concerned Police Station on every 1st and 15th day of English Calendar month between 11.00 a.m. and 2 p.m for three months;

[e] not leave the State of Gujarat without prior permission of the Sessions Judge concerned;

[f] furnish the address of residence at the time of execution of the bond and shall not change the residence without prior permission of this Court;

[g] surrender passport, if any, to the Lower Court immediately;

[h] shall not enter into city and district limits of Jamnagar for 3 months or till commencement of trial, whichever is earlier, except for marking presence.

If breach of any of the above conditions is committed, the Sessions Judge concerned will be free to take appropriate action in the matter.

At the trial, the trial court shall not be influenced by the prima facie observations made by this Court while enlarging the applicant on bail.

Bail before the Lower Court having jurisdiction to try the case.

Rule is made absolute. Direct service is permitted.

[Anant S. Dave, J.] *pvv Top