

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/CRIMINAL MISC.APPLICATION (FOR SUCCESSIVE REGULAR BAIL
- AFTER CHARGESHEET) NO. 6246 of 2024

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AMOLBHAI GOKULBHAI DIGMBERBHAI JADAV (PATIL) & ORS.
Versus
STATE OF GUJARAT

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Appearance:

JIGNESHKUMAR M NAYAK(8558) for the Applicant(s) No. 1,2,3
MR L B DABHI, APP for the Respondent(s) No. 1

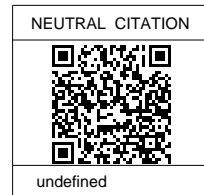
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CORAM:HONOURABLE MR. JUSTICE DIVYESH A. JOSHI

Date : 23/04/2024

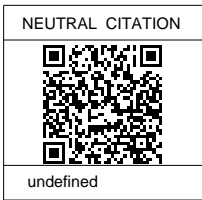
ORAL ORDER

1. Leave to amend is granted.
2. Rule. Learned APP waives service of notice of Rule for and on behalf of respondent - State.
3. The present application is filed under Section 439 of the Code of Criminal Procedure, 1973, for regular bail in connection with C.R.No.11207025230615 of 2023 registered with Godhra 'A' Division Police Station, District Panchmahal for the offence punishable under Sections 380, 454, 465, 467, 471, 411, 413 and 114 of the Indian Penal Code.
4. Learned advocate appearing on behalf of the applicants submits that considering the nature of the offence, the applicants may be enlarged on regular bail by imposing suitable conditions. It is submitted that applicants have been



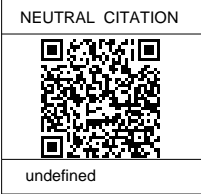
arrested on 27.11.2023 and since then they are in judicial custody. It is further submitted that investigation is already concluded and present application is filed after submission of charge-sheet. That all the offences are exclusively triable by the Court of Magistrate. It is submitted that initially FIR was filed against unknown persons and thereafter during the course of investigation, on the strength of certain materials and on the basis of the confessional statement made by the applicants, they have been arrested and ultimately charge-sheeted. It is further submitted that present applicants are taken into custody on the basis of transfer warrant. There is no recovery or discovery at the instance of the applicants. Moreover, no T.I. Parade is conducted. Learned advocate for the applicant fairly submitted that there are more than 39 offences are registered against the applicants, however, they have been enlarged on bail in all the offences. Thus, considering the above stated factual aspects, applicants may be enlarged on bail by imposing suitable terms and conditions.

5. Learned APP appearing on behalf of the respondent-State has opposed grant of regular bail looking to the nature and gravity of the offence.
6. Learned advocates appearing on behalf of the respective parties do not press for further



reasoned order.

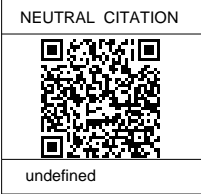
7. I have heard the learned advocates appearing on behalf of the respective parties and perused the papers of the investigation and considered the allegations levelled against the applicants and the role played by the applicants. It is found out from the record that applicants are in jail since 27.11.2023. The investigation is already concluded and charge-sheet is filed. All the offences are exclusively triable by the Court of Magistrate. There is no recovery or discovery at the instance of the applicants. Moreover, no T.I. Parade is conducted. Thus, considering the above stated factual aspects, I am inclined to consider this application.
8. This Court has also taken into consideration the law laid down by the Hon'ble Apex Court in the case of **Sanjay Chandra v. Central Bureau of Investigation**, reported in [2012]1 SCC 40 as well as in case of **Satender Kumar Antil v. Central Bureau of Investigation & Anr.** reported in (2022)10 SCC 51.
9. In the facts and circumstances of the case and considering the nature of the allegations made against the applicants in the FIR, without discussing the evidence in detail, *prima facie*, this Court is of the opinion that this is a fit case to exercise the discretion and enlarge the applicants on regular bail.
10. Hence, the present application is allowed



and the applicants are ordered to be released on regular bail in connection with C.R.No.11207025230615 of 2023 registered with Godhra 'A' Division Police Station, District Panchmahal, on executing personal bond of Rs.15,000/- (Rupees Fifteen Thousand only) each with one surety of the like amount to the satisfaction of the trial Court and subject to the conditions that they shall;

- [a] not take undue advantage of liberty or misuse liberty;
- [b] not act in a manner injuries 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 before the concerned Police Station on alternate Monday of every English calendar month for a period of six months between 11:00 a.m. and 2:00 p.m.;
- [f] 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 the residence without prior permission of this Court;

11. The authorities will release the applicants only if they are 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. It will be open for the concerned Court to delete, modify and/or relax any of the above conditions, in accordance with law.

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 applicants on bail.
13. The present application stands allowed accordingly. Rule is made absolute. Direct service is permitted.

LAVKUMAR J JANI

(DIVYESH A. JOSHI, J)