

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD****R/CRIMINAL MISC.APPLICATION (FOR SUCCESSIVE REGULAR BAIL -
AFTER CHARGESHEET) NO. 7833 of 2024**

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FAIJAN YUSUBBHAI KURESHI
Versus
STATE OF GUJARAT

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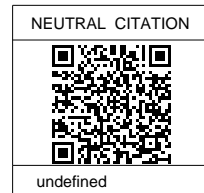
Appearance:

MR. JAVED S QURESHI(6999) for the Applicant(s) No. 1
MR DHAWAN M JAYSWAL, APP for the Respondent(s) No. 1

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CORAM:HONOURABLE MR. JUSTICE DIVYESH A. JOSHI**Date : 08/05/2024****ORAL ORDER**

1. Rule returnable forthwith. Learned APP waives service of notice of rule for and on behalf of respondent – State.
2. The present application is filed under Section 439 of the Code of Criminal Procedure, 1973, for regular bail in connection with FIR being **C.R. No.11204067230562 of 2023 registered with the Sevaliya Police Station, Kheda** for the offence punishable under Sections-5(1), 5(1)(1A) of The Animal Preservation Act; Section-8(2) of the Gujarat Animal Preservation Amendment Bill, 2017; Section-11(1)(l) of The Preservation Against Animal Cruelty Act; Section-429 of Indian Penal Code and Section-119 of Gujarat Police Act.
3. Learned advocate appearing on behalf of the applicant submits that the the so-called incident has taken place on

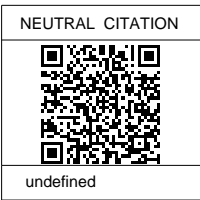


21.12.2023, for which, the FIR has been lodged on 21.12.2023 and the applicant has been arrested in connection with the same on 21.12.2023 and since then, he is in judicial custody. Learned advocate submitted that the investigation is completed and after submission of the chargesheet, the present application is preferred. Learned advocate further submits that the FIR is filed against the four accused persons and the name of present applicant- accused is shown at Sr. No.3. The co-accused has already been enlarged on bail by this Court and therefore, considering the principle of “law of parity”, the applicant-accused, may be considered. Learned advocate appearing on behalf of the applicant submits that considering the nature of the offence, the applicant may be enlarged on regular bail by imposing suitable conditions.

4. Learned APP for the respondent-State has opposed grant of regular bail looking to the nature and gravity of the offence. It is submitted that the role of the present applicants is clearly spelt out from the papers of the chargesheet and, hence, the present application may not be entertained.

5. Learned advocates appearing on behalf of the respective parties do not press for further reasoned order.

6. 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 applicant and the role played by the applicant. This Court has also considered the following aspects;



(i) That the investigation has already been completed and charge-sheet has also been filed;

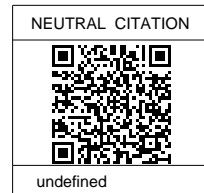
(ii) That the applicant- accused is in judicial custody since 21.12.2023;

(iii) That co-accused has already been enlarged on bail by this Court;

7. 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**.

8. In the facts and circumstances of the case and considering the nature of the allegations made against the applicant 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 applicant on regular bail.

9. Hence, the present application is allowed and the applicant is ordered to be released on regular bail in connection with **C.R. No.11204067230562 of 2023 registered with the Sevaliya Police Station, Kheda**, 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

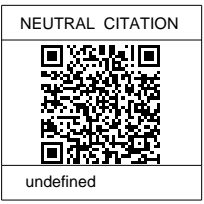


he shall;

- [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 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;

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

11. 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. Direct service is permitted.

A. B. VAGHELA

(DIVYESH A. JOSHI,J)