



IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/CRIMINAL MISC.APPLICATION (FOR REGULAR BAIL - AFTER  
CHARGESHEET) NO. 8821 of 2024

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KAMALSING JAGDISHSINH SISODIYA

Versus

STATE OF GUJARAT

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Appearance:

DINESHKUMAR D GAUTAM(9549) for the Applicant(s) No. 1  
MS SHRUTI PATHAK ADDITIONAL PUBLIC PROSECUTOR for the  
Respondent(s) No. 1

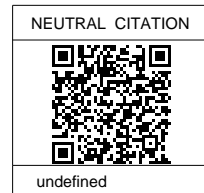
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CORAM:HONOURABLE MR. JUSTICE NIRZAR S. DESAI

Date : 09/05/2024

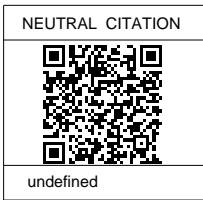
ORAL ORDER

- 1.RULE. Learned Additional Public Prosecutor Ms. Shruti Pathak waives service of rule on behalf of the respondent - State.
- 2.The present successive bail application is filed under Section 439 of the Code of Criminal Procedure, 1973, for regular bail in connection with FIR being No.11184003210689 of 2021 registered with Jetpur Pavi Police Station, District: Chhotaudepur for offences punishable under Section 380, 457, 411 and 114 of the Indian Penal Code.
- 3.Learned advocate appearing on behalf of the



applicant submits that the applicant may be enlarged on regular bail by imposing suitable conditions.

4. Learned Additional Public Prosecutor appearing on behalf of the respondent-State has opposed grant of regular bail looking to the nature and gravity of the offence.
5. Learned advocates appearing on behalf of the respective parties do not press for further reasoned order.
6. Having heard the learned advocates for the parties and perusing the material placed on record and taking into consideration the facts of the case, nature of allegations, gravity of offences, role attributed to the accused, without discussing the evidence in detail, this Court is of the opinion that this is a fit case to exercise the discretion and enlarge the applicant on regular bail.
7. This Court has considered following aspects:-
  - (i) applicant is in jail since 2.11.2023;
  - (ii) investigation is over and charge-sheet is filed;
  - (iii) there is no recovery or discovery from the present applicant;



(iv) the applicant is arrested on the basis of statement of co-accused.

(v) in view of the fact that there are four past antecedents reported against the present applicant, the same can be taken care by imposing suitable conditions i.e. shall not leave the State of Gujarat;

(vii) the applicant shall mark his presence twice in a month before the concerned police station.

In the facts and circumstances of the present case, I am inclined to consider the case of the present applicant.

8. This Court has also taken into consideration the law laid down by the Hon'ble Apex Court in the case of **Sanjay Chandra Vs. Central Bureau of Investigation**, reported in [2012] 1 SCC 40.

9. Hence, the present application is allowed. The applicant is ordered to be released on regular bail in connection with FIR being **No.11184003210689 of 2021 registered with Jetpur Pavi Police Station, District: Chhotaudepur** on executing a personal bond of **Rs.10,000/- (Rupees Ten Thousand only)** with one local 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;

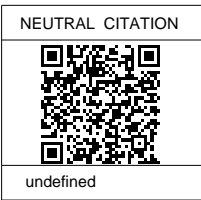
[c] surrender passport, if any, to the lower court within a week;

[d] **shall not leave the State of Gujarat** without prior permission of the concerned trial court;

[e] mark presence before the concerned Police Station twice in a month;

[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 the concerned trial court;

The authorities shall adhere to its own Circular relating to COVID-19 and, thereafter, 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 Sessions Court to delete, modify and/or relax any of the above conditions, in accordance with law.

10. At the trial, the Trial Court shall not be influenced by the prima facie observations made by this Court in the present order.
11. Rule is made absolute to the aforesaid extent. Direct service is permitted.

**(NIRZAR S. DESAI, J)**

Pallavi