



IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/CRIMINAL MISC.APPLICATION (FOR REGULAR BAIL - AFTER
CHARGESHEET) NO. 9019 of 2024

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KIRANKUMAR BHAMRAJI BAROT

Versus

STATE OF GUJARAT

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Appearance:

MR JAL UNWALA, SR. ADVOCATE WITH
MR SUMIT B SIKARWAR(5991) for the Applicant(s) No. 1
MS MAITHILI MEHTA, APP for the Respondent(s) No. 1

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CORAM: HONOURABLE MR. JUSTICE M. R. MENGDEY

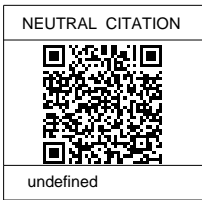
Date : 09/05/2024

ORAL ORDER

1. **Rule.** Learned APP waives service of notice of Rule on behalf of respondent-State.

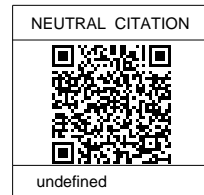
2. This application is filed under Section 439 of the Code of Criminal Procedure for regular bail in connection with **F.I.R.No. 11195030230149 of 2023 registered with Maavsari Police Station, District Banaskantha**, for the offences punishable under Sections 302, 307, 34, 120(B), 427, 143, 148, 149 of the Indian Penal Code, Section 25(1A) and 27(3) of the Arms Act and Section 135 of the Gujarat Police Act.

3. Learned advocate for the applicant submits that



considering the nature of offence and role attributed to the applicant, the applicant may be enlarged on regular bail by imposing suitable conditions.

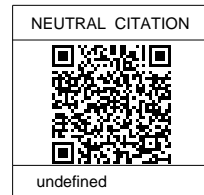
4. The learned APP appearing for the respondent State submits that the present applicant was part of the conspiracy which was hatched by the other co-accused to eliminate the deceased. The Swift car belonging to the present applicant was used for commission of the offence with which the deceased was killed. He further submitted that the presence of the present applicant was also found near to the place at the time of incident. Thus, there is active involvement of the present applicant in the commission of offence in question and the offences which have been charged, are serious in nature and looking to the facts as well as the allegations made against the applicant, no discretion would be required to be exercised.
5. I have heard learned advocates appearing for the parties and perused the papers of investigation. From the record it appears that the investigation is over and Charge-sheet has already been filed. It is alleged that Car belonging to the present applicant has been used for the commission of the offence. As per the case of the prosecution, the deceased was killed with dash of the said car belonging to the present applicant. However, the presence of the present applicant is not found at the scene of the offence at the relevant time. It is alleged that the applicant was



nearby the place of occurrence at the time of incident but he was not present at the place of occurrence and no any other overt act has been attributed to the present applicant.

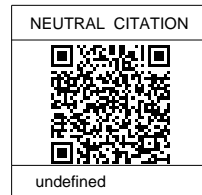
6. In the facts and circumstances of the case and considering the nature of allegations made in the FIR and without discussing the evidence in details as well as without going into details, prima-facie, this Court is of the opinion that this is a fit case to exercise the discretion to enlarge the applicant on bail. Hence, the application is allowed and the applicant is ordered to be released on bail in connection with the aforesaid FIR, on executing a bond of Rs.10,000/- with one surety of the like amount to the satisfaction of the trial Court and subject to the conditions that;

- (a) shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the fact of the case so as to dissuade from disclosing such facts to the Court or any Police Officer or tamper with the evidence.
- (b) shall maintain law and order and not to indulge in any criminal activities.
- (c) shall furnish the documentary proof of complete, correct and present address of residence to the Investigating Officer and to the Trial Court at the time of executing the bond and shall not change residence without prior permission of the trial



Court.

- (d) shall provide contact numbers as well as the contact numbers of the sureties before the Trial Court. In case of change in such numbers inform in writing immediately to the trial Court.
 - (e) shall file an affidavit stating immovable properties whether self acquired or ancestral with description, location and present value of such properties before the Trial Court, if any.
 - (f) shall not leave India without prior permission of the Trial Court
 - (g) surrender passport, if any, to the Trial Court within a week. If accused does not possess passport, shall file an Affidavit to that effect.
7. The authorities concerned shall 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.
8. At the trial, the concerned trial Court shall not be influenced by the *prima facie* observations made by this Court in the present order.



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

SALIM/

(M. R. MENGDEY,J)