

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/CRIMINAL MISC.APPLICATION (FOR REGULAR BAIL - AFTER
CHARGESHEET) NO. 9502 of 2024

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VAIBHAV RAJENDRA @ RAJU PRABHAKAR PATIL
Versus
STATE OF GUJARAT

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Appearance:

MR ARJUNSINGH B CHAUHAN(11510) for the Applicant(s) No. 1
MR H K PATEL, ADDL.PUBLIC PROSECUTOR for the Respondent(s) No. 1

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CORAM:HONOURABLE MRS. JUSTICE M. K. THAKKER

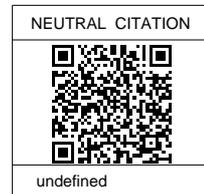
Date : 27/05/2024

ORAL ORDER

1. RULE. Learned APP waives service of rule for the 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 Part A-C.R.NO.11210056221582 of 2022 registered with Dindoli Police Station, Surat City for the offences punishable under Sections 307, 324, 143, 147, 148, and 149 of the Indian Penal Code and Section 25 (1-B) of Arms Act and Section 135 (1) of the Gujarat Police Act.

3. Learned advocate Mr.Chauhan appearing on behalf of the applicant submits that on non-apperance of the accused, learned trial Court has issued Non-Bailable Warrant and the applicant was taken into the custody. Learned advocate Mr.Chauhan submits that only once the applicant has failed to



remain present before the learned trial Court and the learned trial Court has issued Non-Bailable Warrant. Learned advocate Mr.Chauhan submits that the applicant would undertake to remain present before the learned trial Court on each and every day and trial would not delay because of his absence and prays to allow the present application and release the applicant on regular bail.

4. Learned APP appearing on behalf of the respondent-State has opposed grant of regular bail.

5. This Court has heard the learned advocates appearing on behalf of the respective parties and perused the papers.

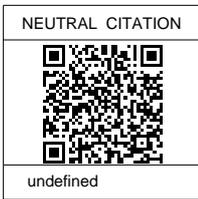
6.This Court has considered the arguments advanced by the learned advocate for the respective parties and has considered the following aspects:

(I) applicant was granted the regular bail by the learned trial Court on 13.10.2022 and thereafter he failed in remaining present before the learned trial Court once.

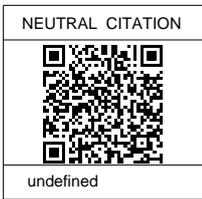
(ii) from the rojkaam it transpires that on all earlier occasions the applicant remains present except on 21.02.2024.

(iii) no charge is framed till date and the case is at the stage of production of FSL report.

7. In view of the above discussion, the present application is required to be allowed on the following conditions:



- (a) the applicant shall execute a personal bond of Rs.25,000/- (Rupees Ten Thousand only) with one surety of the like amount to the satisfaction of the trial Court;
- (b) the applicant shall remain present before the learned trial Court on each and every occasion;
- (c) the applicant shall surrender passport, if any, to the Trial Court within a week from the date of his release;
- (d) the applicant shall not leave the State of Gujarat without prior permission of the Trial Court concerned;
- (e) the applicant shall mark his presence before the concerned Police Station once in a month for a period of six months between 11.00 a.m. and 2.00 p.m.;
- (f) the applicant shall furnish the present address of his 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 Trial Court;
- (g) the applicant shall not enter the area of Dindoli Police Station till conclusion of trial except for the purpose of marking presence before the concerned Police Station and attending the trial proceedings.
- (h) the applicant shall abide by all conditions mentioned in the order passed by the learned trial Court granting regular bail.



8. 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.

9. 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.

10. 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.

11. Present application is allowed. Rule is made absolute to the aforesaid extent. Direct service is permitted.

M.M.MIRZA

(M. K. THAKKER,J)