

ORDER

1. Heard the learned APP, Investigating Officer for the state and the learned advocate for the accused. Perused the documents on record. The present application has been filed for the bail of the accused from the offence under Section 324, 323, 294(b), 114 of Indian Penal Code. The learned advocate for the accused has submitted that looking to the injuries, no case is met out *prima facie* under section 324 of IPC. The learned Advocate for the accused has submitted that the accused are permanent resident of Ahmedabad and there are no chances for absconding or evading trial. Also, the accused are ready and willing to obey any condition which are to be imposed by this Court.

2. Per Contra, the learned APP has objected the application and has stated that the mere presence of accused at the scene of offence is sufficient to bring charges against the

accused. She has submitted that the bail of the accused should not be granted as the offence is heinous and it will prejudice the other party.

3. Before going into the merits of the present bail application, this Court would like to discuss the concept of bail. Bail is a very vital institution in criminal justice system. It carries a twin objective of enabling an accused to continue with his life activities and, at the same time, providing a mechanism to seek to ensure his presence on trial. It is not always just or advisable to confine the accused before conviction. Only the sovereign interest or threat to social order may necessitate such an action. Ordinarily, detaching an individual from society adds to the problems rather than solving them.

4. Perusing the records of the present situation at hand, the offence primarily is registered under section 324, 323, 294(B) of IPC. The rule of bail as per the jurisprudence is

applicable under section 323 as the said offences are bailable in nature. Thus, the accused can not be denied bail under such offences. Now, perusing section 324 of IPC, it is non-bailable in nature. Perusing the section 437, wide powers are conferred upon this court to release the accused on offence alleged as per section 324 of IPC. The section 324 provides punishment for three years. But at the same time, the Hon'ble Apex Court has casted duty on the Court to exercise the discretion very cautiously. It is on record that the victim is discharged and is out of danger.

5. It is well settled law that if the offence alleged is not very serious or heinous in nature, it is not justified to keep the accused in the custody. bail should be rejected when there are strong *prima facie* conditions leading for rejection of the bail application. Therefore, looking to the FIR, medical reports, law into account and the

seriousness of the offence, it seems to this Court that there are no reasons to keep the accused in custody. The accused should be not be kept aloof from their liberty and hence I pronounce the following order:

ORDER

The following application is hereby allowed. The accused are hereby allowed to be enlarged on bail after furnishing surety and bail bond of Rs.25,000/ (Twenty Five thousand) each on the following condition:

- 1.To co-operate in investigation and to be present at police station whenever called for the work of investigation.
- 2.Not to indulge in any such offence again.
- 3.To furnish the residential address on affidavit with phone number.
- 4.To not to change the residential address without the prior permission of the court.

5. To not to threaten or influence
complainant or witnesses in any way.

01/07/2024

Ahmedabad

(Romit Anilkumar Agrawal)

10th Add. Chief Judi. Magistrate

Court No. 14, Ahmedabad.

Judge Code: GJ00933