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Filing No./Registration No. : CRMA S/507/2022;

Part 'A' Cr.No.11193004220678/2022, dated 15.08.2022

Under Section : 143, 147, 148, 149, 307, 324, 325, 506(2) of IPC

& Section 135 of the GP Act;

Police Station : Amreli Rural;

Date of Decision : 03.01.2023.

IN THE COURT OF SESSIONS JUDGE, AMRELI

CRIMINAL MISC. APPLICATION NO. 507 / 2022

Sujitbhai Dhirubhai Dadhal

Aged : 24 years, Occu. : Agricultural work,

R/o. : Hanumanpara Road, Narayan Nagar,

Tal. & Dist. : Amreli.

At present : District Jail, Amreli

.. .. **APPLICANT**

Vs.

The State.

.. .. **OPPONENT**

Appearance :

Mr. A.P.Thaker, learned advocate for the applicant

Ms.M.R.Trivedi, learned APP for the opponent – State

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:: JUDGMENT ::

1. The **present successive bail application (thrice)** has been filed by the applicant by way of invoking the provisions of **Section – 439** of the Code of Criminal Procedure **after**

submission of the charge – sheet. On earlier occasion the applicant had preferred a bail application vide **Criminal Misc. Application No. 402 / 2022** which came to be rejected by this Court while passing a reasoned order. Thereafter, the applicant had preferred successive bail application vide **Criminal Misc. Application No. 428 / 2022** which came to be disposed of as withdrawn. Hence, the applicant herein has preferred the present application and sought to enlarge him on regular bail in connection with an offence registered before the **Amreli Rural Police Station vide Part A C.R.No. 11193004220678/2022** for the commission of offence **u/s. 143, 147, 148, 149, 307, 324, 325, 506(2) of IPC & Section 135 of the GP Act**; seeking and contending that the applicant is arrested on 08.09.2022. and since then the applicant is in judicial custody. Hence, the present application.

2. The learned advocates for the respective parties have been heard.
3. On being served with the process the learned APP appeared on behalf of the opponent – State. The

Investigating Officer has submitted his affidavit at **Exh.5**.

4. Learned advocate for the applicant submits that, the applicant is totally innocent and has not played any role in the alleged offence, however, he has been falsely implicated in the present offence. It is urged by the learned advocate for the applicant that there is no evidence either direct or indirect in respect of the offence connecting the applicant with the alleged offence. **The learned advocate for the applicant has further submitted that the co-accused of the aforesaid offence have been enlarged on bail so also the matter has been amicably settled between the parties.** Under these circumstances, the learned advocate for the applicant has urged that applicant may be granted regular bail on suitable terms and conditions that may deem just and proper to the Court to which the applicant has assured to abide.
5. Per contra the Learned APP appeared on behalf of the State and opposed the grant of relief stating and contending that the involvement of the applicant in the alleged offence and the role attributed cannot be ruled

out. The Learned APP has also expressed her apprehension that the applicant may jump the bail and further apprehended the possibility of the applicant tampering with the prosecution witnesses, and therefore, submitted that no discretionary power may be exercised in favour of applicant at this stage.

6. Heard the Learned Advocate for the respective parties, perused the police investigation papers so also the affidavit sworn in by the Investigating Officer where from **it reflects as alleged by the prosecution that as the complainant and others lodged one complaint against one child in conflict with law (C.C.L.) at Amreli Rural Police Station, therefore, due to the said differences and keeping a grudge, the present applicant along with other co-accused formed unlawful assembly gave blows to the complainant with deadly and lethal weapons like iron made pipe and stick so also threatened the complainant to kill and thereby, alleged to have caused several injuries to the complainant.** Hence, in view of the aforesaid, the applicant seem to have been alleged of having committed the offence.

7. It further reflects that there are criminal antecedents against the applicant as shown in the Para. (31) of the affidavit sworn in by the Investigating Officer which for the sake of brevity and convenience is being narrated here-in-under :

An offence has been registered against the applicant **u/s. 135 of the GP Act** before the **Amreli City Police Station** which came to be registered vide **C.R.No. II/127/2018**.

An offence has been registered against the applicant **u/s. 65(a)(a) & 98(2) of the Prohibition Act** before the **Amreli City Police Station** which came to be registered vide **C.R.No. 111930032003440/2020**.

An offence has been registered against the applicant **u/s. 384, 427, 447, 504, 323, 114, 120(b), 506(2) of IPC & u/s. 135 of GP Act** before the **Amreli Rural Police Station** which came to be registered vide **C.R.No. 11193004201134/2021**.

An offence has been registered against the applicant **u/s. 379, 114 of IPC & u/s. 21 of MMDR Act** before the **Liliya Police Station District Amreli** which came to be registered vide **C.R.No. 111930035210324/2021**.

An offence has been registered against the applicant **u/s. 12 of the Gambling Act** before the **Amreli City Police Station** which came to be registered vide **C.R.No. 11193003220590/2022**.

An offence has been registered against the applicant **u/s. 66(1)(b) of the Prohibition Act** before

the **Chalala Police Station District Amreli** which came to be registered vide' **C.R.No. 11193013210723/2021.**

An offence has been registered against the applicant **u/s. 12 of the Gambling Act** before the **Amreli City Police Station** which came to be registered vide **C.R.No. 11193003220715/2022.**

8. Role attributed to the applicant

So far as the role attributed to the present applicant is concerned, **he is alleged to have equipped with lethal weapon, i.e., iron made pipe & wooden stick. More so, considering the injuries caused to the prosecution witnesses by the applicant are alleged to have been caused with iron pipe & wooden stick.** Hence, considering the following factors this Court is inclined to exercise the discretionary power in favor of the applicant :-

- **that the injured has been discharged from the hospital after undergoing necessary treatment as confirmed and reported by the Learned APP**
- **that the charge-sheet has been submitted by the Investigating Officer**
- **the co-accused have been enlarged on bail**

- **the dispute between the parties has been amicably settled**

9. In view of the aforestated facts and considering the punishment prescribed for the charges leveled against the present applicant and detailed discussion made here-in-above, the purpose of keeping the applicant behind the bar for indefinite period would not serve the purpose which otherwise may amount to pre – trial detention. In view of the aforesaid facts, the present application deserves to be allowed subject to the following terms and conditions. Accordingly, I pass following final order :

:: ORDER ::

This application is **allowed**.

The applicants are hereby ordered to be released on bail in connection with the offence registered vide **Part 'A' C.R.No.11193004220678/2022** before the **Amreli Rural Police Station** on furnishing bail of **Rs.25,000/-** (Rupees Twenty - five Thousand Only) **with one surety of like amount**, on the following conditions :-

- a) *shall not leave territory of Gujarat without prior permission of the Court.*
- b) *shall fully cooperate in the interrogation with Police as and when called for in connection with the present offence.*
- c) *shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case.*
- d) *shall give correct permanent residential address to the police.*
- e) *shall regularly maintain presence in the trial.*

This order to be intimated to the concerned police station and the concerned Court.

The soft copy of this order be sent to the concerned police station and parties through Mail.

Dictated and pronounced in the open Court on this **3rd** day of **January, 2023**.

Date : 03.01.2023.
Amreli.

(RAMCHANDRA T. VACHHANI)
SESSIONS JUDGE,
AMRELI.
UNIQUE ID CODE NO. GJ00910

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