

Received on : 14/10/2022

Registered on : 14/10/2022

Decided on : 18/10/2022

Duration: 04 Days.

**IN THE COURT OF DISTRICT & SESSIONS JUDGE,  
AT JUNAGADH**

**CRIMINAL MISC.APPLICATION NO.594 OF 2022**

**Exh.: \_\_\_\_**

**APPLICANTS/ACCUSED:**

1. Rajan @ Kano Vasrambhai Meravada,  
Aged about: 23 years,  
Occupation: Labour,  
R/o.Shanteshvar Road,  
Near Hanuman Temple,  
Joshipara, Junagadh.
2. Hitesh @ Hito Ashokbhai Gorad,  
Aged about: 20 years,  
Occupation: Labour,  
R/o.Near Joshipara Vegetable Market,  
Junagadh.\*

At present:  
District Jail,  
Junagadh.

**Versus**

**OPPONENT:**

The State of Gujarat,  
Summons Through: The Public Prosecutor,  
Junagadh.

(Rohen K. Chudawala)  
Sessions Judge  
Junagadh

**APPEARANCES:**

Mr.V.N.Jethva, L.A. for the applicants.  
Mr.A.M.Parekh, Ld.Ad.P.P. for the State.

**BAIL APPLICATION UNDER SECTION 439 OF THE  
CODE OF CRIMINAL PROCEDURE****-: J U D G M E N T :-**

1. By way of the present application preferred under **Section 439** of the Code of Criminal Procedure Code, 1973, the applicants/accused, (1)**Rajan @ Kano Vasrambhai Meravada** and (2)**Hitesh @ Hito Ashokbhai Gorad**, have prayed to grant regular bail in connection with the offence registered vide **Cr.No.11203024220483/2022**, registered with **Junagadh B-Division Police Station**, for the offences punishable u/ss.380, 454, 457, 114 of I.P.C.\*
2. Pursuant to the notice issued upon the opponent-State of Gujarat, the Ld.Ad.P.P. Shri A.M.Parekh has appeared and concerned P.I. of the Junagadh B-Division Police Station has filed his affidavit vide Exh.-5 resisting the bail application.
3. Heard Ld.Advocate Shri V.N.Jethva for the

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applicants/accused and Ld.Ad.P.P. Shri A.M.Parkeh for the opponent-State. Read the application. Perused the papers produced by the applicants/accused. Also perused the Police papers made available to this Court and affidavit of the P.S.I.

4. Ld.Advocate Shri V.N.Jethva, for the applicants/accused has courteously submitted that in this case, applicants/accused persons have been arrested on 09/10/2022. He has also submitted that they are young boys who have no past criminal antecedents save the one offence registered against the applicant/accused No.1. However, he has clarified that out of the two applicants/accused persons, only the applicant/accused NO.1 is booked in one offence whereas the applicant/accused No.2 is not having any past criminal antecedents. He has also submitted that offences are triable by J.M.F. Court and the applicants/accused persons are innocent persons who have been falsely implicated in this case. He has thus urged that subject to conditions, the applicants/accused be enlarged on bail.

5. Per contra, Ld.Ad.P.P. Shri A.M.Parekh, for

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the State, has vehemently opposed this application. He has submitted that there was theft of Rs.48,000/- out of which Rs.14,000/- have been recovered. He has also submitted that the investigation is going on and one of the applicant/accused is having past criminal antecedents. He has thus urged that the present application be rejected.

6. It transpires from the Police papers made available to this Court and from the affidavit of the P.S.I., B-Division Police Station, Junagadh, produced at Exh.-5 that the applicants/accused are booked under the offences punishable u/ss.380, 454, 457, 114 of I.P.C. It further transpires from the affidavit of the P.S.I. that the role attributed to the accused persons is to the extent that the accused persons had illegally entered into the shop of the complainant and had committed theft of Rs.48,000/-. It also transpires from the affidavit that amount of Rs.14,000/- have already been recovered and out of the two accused persons, applicant/accused No.1 is having one past criminal antecedent and there is no past criminal antecedent of the applicant/accused

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No.2. It further transpires that the investigation is going on.

6.1 Considering the nature and seriousness of the offences coupled with the fact that the applicants/accused are young boys and are resident of Junagadh District and also in view of the fact that the applicant/accused No.2 is having no past criminal antecedent and in view of the ratio laid down by the Hon'ble Supreme Court in the case of **Sanjay Chandra Vs. C.B.I. and Satender Kumar Antil Vs. Central Bureau of Investigation & Anr.**, I am inclined to exercise my judicial discretion in favour of the applicants/accused. The P.S.I., in his affidavit, has stated that applicant/accused No.1 is booked in 1 another offence but the same cannot be the sole ground for rejection of bail. The P.S.I., in his affidavit, has also expressed dire apprehensions to the extent that if enlarged on bail, the applicants/accused would repeat similar offences and will not remain present before the Court, however, same can be taken care of by imposing stringent condition upon the applicants/accused. Hence, following order is

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passed:

**-: ORDER :-**

- (1) The application is hereby **ALLOWED**.
- (2) The applicants/accused namely (1)**Rajan @ Kano Vasrambhai Meravada** and (2)**Hitesh @ Hito Ashokbhai Gorad** are ordered to be released on bail in connection with the offence registered vide **Cr.No.11203024220483/2022**, registered with **Junagadh B-Division Police Station**, for the offences punishable u/ss.380, 454, 457, 114 of I.P.C., on furnishing a personal bond of **Rs.15,000/- (Rupees Fifteen Thousand Only)** each and one surety each of the like amount to the satisfaction of the **Ld.Trial Court** and subject to the conditions that-
  - 1.They shall fully co-operate in the Trial by remaining present.
  - 2.They shall deposit their passports with the **Ld.Trial Court** within seven days. If they does not possess passport, then they shall pass the pursis to that effect.
  3. They shall not leave the territorial limits of State of Gujarat, without the prior permission of the Court. In addition to that, they shall not leave the territorial limits of the **Junagadh Dis-**

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trict for a period of **6(Six) months** from the date of this order.

4. They shall mark their presence before the concerned Police Station on Monday and Thursday of each week between 02:00 to 05:00 p.m. till the charge-sheet is filed.
5. They shall furnish their residential address with authenticated proof before the Ld.Trial Court at the time of execution of the bond and shall not change the address without prior permission of this Court.
6. They shall not take undue advantage or abuse the liberty.
7. They 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 them from disclosing such facts to the Court or any Police Officer or tamper with the evidence.
8. They shall not in any manner be injurious to the interest of prosecution.
9. They shall maintain peace and Law and order and shall not commit offence similar to the offence of which He is accused or

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suspected.

10.If breach of any of the above conditions is committed, this Court shall be at liberty to take appropriate action against the applicants.

11.The bail bonds shall be executed before the Ld.Trial Court.

- (3) The concerned authorities will release the applicants only if they are not required in connection with any other offence for the time being.
- (4) Yadi of this order be sent to the concerned police station and Court.

Signed and pronounced in the open Court on this 18<sup>th</sup> day of October, 2022.

Date:18/10/2022

Place:Junagadh

(ROHEN K. CHUDAWALA)

District & Sessions Judge

Junagadh

UIC No.GJ01317

(Rohen K. Chudawala)  
Sessions Judge  
Junagadh