

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CRIMINAL MISC.APPLICATION (FOR REGULAR BAIL - AFTER
CHARGESHEET) NO. 5974 of 2024**

=====

DHIRUBHAI KHODABHAI BHIMANI

Versus

STATE OF GUJARAT & ANR.

=====

Appearance:

MS BHAVNA V SHAH(11047) for the Applicant(s) No. 1

MR ARJUNSINGH B CHAUHAN(11510) for the Respondent(s) No. 2

MR.HARDIK SONI, APP for the Respondent(s) No. 1

=====

CORAM:HONOURABLE MR. JUSTICE M. R. MENGDEY**Date : 01/07/2024****ORAL ORDER**

1. Heard learned advocates for the respective parties.

2. This bail application is filed under Section 439 of the Code of Criminal Procedure for regular bail in connection with an **FIR being C.R.No.11210015230075 of 2023 registered with DCB Police Station, Surat City.**

3. Learned Advocate Mr. Vishwas Shah submits that applicant is arrested on 09.06.2023 and since then he is in judicial custody. It is submitted that investigation is already concluded and charge-sheet is also filed. All the offences are exclusively triable by the Court of

Magistrate. Learned Advocate Mr. Vishwas Shah further submits that cousin of the applicant has filed an undertaking dated 12.01.2024 wherein he has given the description of the properties stood in the name of the applicant accused, his wife, brother and his father. It is submitted that applicant is ready and willing to repay the outstanding loan amount of Federal Bank within a period of six months from the date of his release, so as to release the gold ornaments of the victims, which are pledged with Federal Bank, by selling the said properties. As soon as the applicant will get the custody of gold ornaments of the victims from Federal Bank and on repayment of loan by the victims, the applicant will handover the custody of gold ornaments to the concerned victim immediately. It is submitted that for selling the aforesaid properties for the purpose of repayment of outstanding loan amount of Federal Bank, applicant may be enlarged on interim bail for a period of three months. The applicant is ready and willing to file an undertaking to the aforesaid effect within a period of one week from the date of his release before this Court as well as learned trial Court.

4. Learned advocate Mr. Arjunsinh Chauhan appearing for the original complainant submits that so far as the aspect of interim bail granted to the applicant is concerned, his client has

been receiving massages from the firm of which the present applicant is also a partner for repayment of gold loan which had been procured by them.

5. To this learned advocate for the applicant submits that till the present applicant repays the entire amount to the Federal Bank no messages shall be sent to the client of learned advocate Mr. Chauhan.

6. Having heard learned counsel for the respective parties and upon perusal of the material placed on record, to test his *bona fide*, let the applicant be released on interim bail for some reasonable period. Accordingly, the applicant is ordered to be released on interim bail for a period of three months from the date of his actual release on executing a personal bond of **Rs.10,000/-** (Rupees Ten thousands only) as well as on usual terms and conditions. Over and above the said conditions, it is needless to mention that the applicant shall take all available steps including selling of the properties stood in the name of the applicant accused, his wife, brother as well as his father to repay the entire loan amount of Federal Bank so as to release the gold ornaments/gold of the victims pledged with Federal Bank against the said loan. On receipt of the gold ornaments/gold from Federal Bank, the applicant shall also

return the gold/gold ornaments to the victims who has repaid and who will repay their loans and thereafter inventory to that effect would be prepared and submitted before the learned trial Court by narrating the entire facts on oath. The applicant shall also file an undertaking before the learned trial Court as well as before this Court to the aforesaid effect within a period of one week from the date of his release. The applicant shall also deposit his passport, if any, before the learned trial Court. The applicant shall also mark his presence before the concerned Police Station once in a week during his temporary release period. The applicant shall surrender before the Jail Authority on completion of period of three months from the date of his actual release, without fail.

7. Registry to send a copy of this order through fax/ email to the concerned jail authority/Court concerned. Direct service is permitted. List the matter on 15.07.2024.

(M. R. MENGDEY,J)

NABILA