



IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/CRIMINAL MISC.APPLICATION NO. 14201 of 2020

SARFARAZA SAMAN KALU

Versus

STATE OF GUJARAT

Appearance:

MR ASHISH M DAGLI(2203) for the Applicant(s) No. 1

MS KRINA CALLA, APP (2) for the Respondent(s) No. 1

CORAM: **HONOURABLE MR. JUSTICE ILESH J. VORA**

Date : 21/10/2020

ORAL ORDER

1. Heard Mr. Ashish M. Dagli, learned counsel for the applicant and Ms. Krina Calla, learned APP for the respondent – State through Video Conferencing.

2. By this application filed under Section 439 of the Code of Criminal Procedure, 1973, the Applicant is seeking his release on regular bail in a crime, where he is charged in connection with the **FIR being C.R.No.11199021200782 of 2020** registered at **Ankleshwar GIDC Police Station, Dist. Bharuch**, punishable under Sections 465, 467, 471 and 120(b) of IPC.

3. Learned counsel for the applicant submitted that, looking to the allegations made in the FIR, involvement of the applicant is not established in the offence and therefore, the charges levelled against the applicant are not attracted. In view of the aforesaid facts, the applicant may kindly be enlarged on regular bail by imposing suitable terms and conditions.



4. On the other hand, learned APP appearing for the respondent – State vehemently submits that, looking to the facts as well as the allegations made against the applicant, no discretion would required to be exercised.

5. In the facts and circumstances of the case and considering the nature of allegations, this Court is of the opinion that, discretion is required to be exercised to enlarge the applicant on regular bail.

6. In view of the aforesaid facts, without discussing the evidence in detail, this Court, *prima facie*, is of the opinion that, this is a fit case to exercise the discretion and enlarge the applicant on regular bail. Hence, present application is allowed and the applicant is ordered to be released on regular bail in connection with the **FIR being C.R.No.11199021200782 of 2020 registered at Ankleshwar GIDC Police Station, Dist. Bharuch**, on executing a personal bond of Rs.10,000/- (Rupees Ten thousands only), with one surety of the like amount to the satisfaction of the learned Trial Court and subject to the conditions that he shall;

[a] not take undue advantage of liberty or misuse liberty;

[b] not act in a manner injuries to the interest of the prosecution;

[c] surrender passport, if any, to the lower court within a week;

[d] not leave India without prior permission of the Sessions Judge concerned;

[e] furnish latest address of 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 the trial Court;



[f] shall mark his presence before the concerned police station in the first week of every month till filing of charge-sheet.

7. 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. Bail bond to be executed before the learned 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. At the trial, learned 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. Rule is made absolute to the aforesaid extent.

8. Registry to send a copy of this order to the concerned Jail Authority as well as Id. Sessions Court forthwith through fax and e-mail.

(ILESH J. VORA,J)

Pallavi