

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**CRIMINAL REVISION APPLICATION (AGAINST CONVICTION) NO. 162 of
2017**

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NILESHBHAI FULABHAI PADSHALA & 3....Applicant(s)

Versus

STATE OF GUJARAT....Respondent(s)

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Appearance:

MR MB PARIKH, ADVOCATE for the Applicant(s) No. 1 - 4

MR. N.J.SHAH, APP, for the Respondent(s) No. 1

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CORAM: **HONOURABLE MR.JUSTICE Z.K.SAIYED**

Date : 06/03/2017

ORAL ORDER

RULE. Mr. N.J. Shah, learned Additional Public Prosecutor waives service of notice of rule on behalf of respondent State.

[2] In the present Criminal Revision Application, the applicants herein original accused have prayed to release them on bail by suspending the sentence imposed vide judgment and order dated 23.10.2013 passed in Criminal Case No.155 of 2011 by the learned Judicial Magistrate First Class, Visavadar, which is confirmed by learned Additional Sessions Judge, Junagadh in Criminal Appeal No.118 of 2013 vide order dated 31.01.2017, whereby the applicants have been convicted for the offence punishable under Section 324 of the IPC read with Section 114 of the IPC and sentenced to undergo rigorous imprisonment of six months with fine of 1000/- and in default, to undergo further period of one month rigorous imprisonment, for the offence punishable under

Section 326 of the IPC read with Section 114 of the IPC and sentenced to undergo rigorous imprisonment of two years with fine of 3000/- and in default, to undergo further period of two months rigorous imprisonment and for the offence punishable under Section 135 of the Bombay Police Act read with Section 114 of the IPC and sentenced to undergo rigorous imprisonment of six months with fine of 1000/- and in default, to undergo further period of one month rigorous imprisonment .

[3] Heard learned advocate appearing for the applicants and learned Additional Public Prosecutor for the respondent State.

[4] Learned advocate for the applicants submit that parties to the proceedings are relatives and real brothers. He, therefore, prays to release the applicants on bail.

[5] Considering the overall facts and circumstances of the case and sentence imposed by the learned trial Judge, the applicants are required to be released on bail and by suspending the sentence imposed by judgment and order dated 23.10.2013 passed in Criminal Case No.155 of 2011 by the learned Judicial Magistrate First Class, Visavadar, which is confirmed by learned Additional Sessions Judge, Junagadh in Criminal Appeal No.118 of 2013 vide order dated 31.01.2017, pending hearing and final disposal of the Criminal Revision Application. The applicants shall be released on regular bail on executing personal bond of Rs.10,000/- (Rupees Ten Thousand only) each and one surety of like amount to the satisfaction of the Trial Court and subject to the conditions that they shall;

(a) surrender passport, if any, to the lower court within a week;

(b) not leave the State of Gujarat without prior permission of the Trial Court;

(c) furnish the present address of residence to the I.O. and also to the Court at the time of execution of the bond and shall not change the residence without prior permission of this Court;

[6] Direct service is permitted.

(Z.K.SAIYED, J.)

siddharth