

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**CRIMINAL REVISION APPLICATION NO. 294 of 2017**

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JITENDRASINH GOBARJI CHAVDA....Applicant(s)

Versus

STATE OF GUJARAT....Respondent(s)

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Appearance:

MR MAHESH K POOJARA, ADVOCATE for the Applicant(s) No. 1

MR NJ SHAH APP for the Respondent(s) No. 1

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

Date : 06/04/2017

ORAL ORDER

1. Rule. Learned APP waives service of notice of rule on behalf of respondent State.

2. In the main Criminal Revision Application, the applicant herein original accused has prayed to release him on bail by suspending the sentence imposed by the learned Additional Sessions Judge, City Civil and Sessions Court, Court No.21, Ahmedabad vide judgment and order passed in Criminal Appeal No.70 of 2016 dated 27.3.2017, whereby the learned Sessions Judge has confirmed the judgment and order passed by the learned Additional Chief Judicial Magistrate, Court No.3, Ahmedabad, in Criminal Case No.2287 of 2003 dated 25.1.2016, whereby learned trial Judge has convicted and sentenced the applicant for the offence punishable under Sections 498(A) and 324 of the Indian Penal Code.

3. Learned advocate for the applicant states that the

impugned judgment and order passed by the Courts below are required to be set aside as the same are passed without properly appreciating the evidence on record and the Courts below imposed such harsh imprisonment. He, therefore, prays to grant the bail to the applicant by suspending the sentence till disposal of the present Revision Application.

4. Heard learned APP appearing for the respondent State.

5. Considering the overall facts and circumstances of the case and sentence imposed by the courts belows, the applicant is required to be enlarged on bail. The sentence imposed by the learned learned Additional Chief Judicial Magistrate, Court No.3, Ahmedabad, in Criminal Case No.2287 of 2003 dated 25.1.2016 and confirmed learned Additional Sessions Judge, City Civil and Sessions Court, Court No.21, Ahmedabad vide judgment and order passed in Criminal Appeal No.70 of 2016 dated 27.3.2017 are hereby suspended and the applicant shall be released on executing personal bond of Rs.10,000/- (Rupees Ten Thousand only) and one surety of like amount to the satisfaction of the Trial Court and subject to the conditions that he 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;

Direct service is permitted.

YNVYAS

(Z.K.SAIYED, J.)