

GJPM170017582023



**IN THE COURT OF 2ND ADDITIONAL SESSIONS JUDGE
PANCHMAHALS AT HALOL.**

Criminal Misc. Application No.425 of 2022

Applicant : : **Jaydipsinh @ Fofa Natvarsinh Chauhan**
Age : 33 years, Occupation: at present
nothing
at :- Bedhia, Gulabsinh-ni-muvadi,
Ta-Kalol, Di-Panchmahals.
At present : in judicial custody
Vs.

Opponent : : **The State of Gujarat.**

Subject:- Application under Section 439 of Cr.P.C. for regular bail.

APPEARANCE:

Ld. Advocate for the Applicant. : Mr. V. N. Jadav.
Ld. A.P.P. for the State. : Mr. R. D. Shukla.

:: J U D G M E N T ::

1. The applicant is in judicial custody in connection with Vejalpur Police Station vide FIR No.11207076230009/2023 for offences punishable u/s 302, 504, 506(2), 326 & 120(B) of the IPC and u/s 135 of the G. P. Act. He has sought interim bail for 15 days from

5/8/23 to 20/8/23 u/s 439 of the Cr.PC and according to him this application is on humanitarian ground not on merits of the case.

2. Ld. Advocate for the applicant has submitted that the applicant is innocent but falsely implicated in this case, that he is in judicial custody for last 7 months, that he has old aged parents having debilities, that on 3/10/22 he got divorce from his wife and his little daughter is with his parents, that in near future his presence would be required for his daughter's admission in school and therefore he requires temporary bail for 15 days from 5/8/23 to 20/8/23. Hence considering the facts, he may be enlarged on interim bail for the said period and he shall abide by all conditions of bail those may be imposed.

3. Ld. APP has opposed the bail application stating that there is accusation of heinous crime against the applicant, this interim bail application may be rejected.

4. Having regard to the facts of this case, in order to decide this regular interim bail application u/s 439 of the Cr.P.C. for the above stated

period, established principles as to bail have been taken into consideration. The Court having power u/s 439 of the Cr.PC for granting regular bail, also possess power to entertain application of interim bail. Provided that the presence of accused outside the judicial custody is inevitable. The reasons given in application do not show any inevitability. The accusation against the applicant are serious in nature and Ld. APP has started producing evidences so, considering the stage of case and also considering possibility of accused jumping the bail, I am not inclined to grant this interim bail application hence, this regular interim bail application stands **rejected**.

Pronounced in open Court today, this 7th day of August, 2023.

Date : 07/08/2023.
Place : Halol.

P. P. Joshi

[Harsh Balkrishna Trivedi]
2nd Additional Sessions Judge,
Panchmahals at Halol.
[UIC No. GJ-00576]