

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/SPECIAL CRIMINAL APPLICATION NO. 4949 of 2023

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SHAHEJAD SULEMAN HAJI THRO YAYMAN KULSUM W/O SULEMAN
Versus
STATE OF GUJARAT

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Appearance:

MR DIPAK H SINDHI(5710) for the Applicant(s) No. 1
for the Respondent(s) No. 2,3

MR MANAN MEHTA, ADDL. PUBLIC PROSECUTOR for the Respondent(s)
No. 1

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CORAM:HONOURABLE MR. JUSTICE NIKHIL S. KARIEL

Date : 19/04/2023

ORAL ORDER

1. Rule returnable forthwith. Learned Additional Public Prosecutor Mr. Manan Mehta waives service of rule on behalf of the respondent - State.

2. By way of this application, the applicant prays for being released on parole leave for the purpose of trying to settle the matter with the wife, more particularly, the applicant being convicted for the offence punishable under Section 125(3) of the Cr.P.C.

3. Jail remarks show that the applicant had been convicted for the above mentioned offence and sentenced to 900 days of

imprisonment. It also appears that up till now, the applicant has undergone approximately 415 days of incarceration.

3.1. The jail remarks would further show that the applicant had been released once on temporary bail in the month of April, 2020 on which occasion the applicant had surrendered late/absconded for a period of 711 days.

3.2. This Court has also considered the statement made by learned advocate Mr. Sindhi that in case the settlement with the wife is not possible, then the applicant shall ensure that he will pay an amount of Rs. 10,000/- to his wife and whereas appropriate acknowledgment thereof shall be produced before the jail authorities.

4. Considering the submission made by learned advocate for the applicant, more particularly, considering the offence for which the applicant is convicted, this Court is inclined to consider this application albeit with appropriate condition. The applicant is directed to be released on parole leave for a period of **30 days** from the date of actual release on executing personal bond of **Rs.10,000/- (Rupees Ten Thousand)** before the Jail authority and on usual terms and conditions as

may be imposed by the Jail Authority.

4.1. The applicant upon his return shall either submit some proof of the issue being settled with the wife or proof of the applicant having paid an amount of Rs. 10,000/- (Rupees Ten Thousand) to his wife. In case, neither of those acknowledgment is submitted before the jail authority, then appropriate endorsement shall be made by the jail authority in the jail remarks of the applicant as and when the applicant prefers any application for parole leave hereafter.

5. The applicant convict to surrender before Jail Authority on completion of parole leave, without fail. Rule is made absolute to the aforesaid extent. Registry is directed to communicate this order to the concerned Jail Authority by fax / e-mail message forthwith.

Bhoomi

(NIKHIL S. KARIEL,J)