

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD****R/CRIMINAL MISC.APPLICATION NO. 7215 of 2023**

MOHIT PRAVINBHAI CHAUDARY

Versus

STATE OF GUJARAT

Appearance:

O I PATHAN(7684) for the Applicant(s) No. 1

MR. UTKARSH SHARMA, APP for the Respondent(s) No. 1

CORAM:HONOURABLE MR. JUSTICE NIRZAR S. DESAI**Date : 03/07/2023****ORAL ORDER**

1) This successive application is filed by the applicant under Section 439 of the Code of Criminal Procedure, 1973 for regular bail in connection with FIR registered as **I-C.R.No.-11191035230017 of 2023** with **Naroda Police Station, District Ahmedabad City** for the offence punishable under Sections 389, 328, 365, 342, 506 and 114 of the Indian Penal Code, 1860.

2) Learned advocate appearing on behalf of the applicant submits that considering the nature of offence, the applicant may be enlarged on regular bail by imposing suitable conditions.

3) Learned Advocate appearing on behalf of the respective parties do not press for further reasoned order..

4) Learned Advocates appearing on behalf of the respective parties do not press for a further reasoned order.



5) I have heard the learned advocates appearing on behalf of the respective parties and perused the papers. Following aspects are considered :-

I) *The applicant is in custody since 05.01.2023*

II) *The Investigation is over and the charge-sheet has been filed by the Investigating Officer;*

III) *Trial may take its own time;*

IV) *There is no antecedent as submitted by learned Additional Public Prosecutor;*

6) This Court has taken into consideration the law laid down by the Hon'ble Apex Court in the case of **Sanjay Chandra v. Central Bureau of Investigation** reported in **[2012] 1 SCC 40**.

7) In the facts and circumstances of the case and considering the nature of the allegations made against the applicant in the First Information Report, without discussing the evidence in detail, prima facie, this Court is of the opinion that this is a fit case to exercise the discretion and enlarge the applicant on regular bail.

8) Hence, the present application is allowed. The applicant is ordered to be released on regular bail in connection with **I-C.R.No.-11191035230017 of 2023** with **Naroda Police**



Station, District Ahmedabad City on executing a personal bond of Rs.10,000/= (Rupees Ten Thousand Only) with one surety of the like amount to the satisfaction of the 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 injurious to the interest of the prosecution;

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

[d] not leave the India without prior permission of the concerned trial court;

[e] mark presence before the concerned Police Station during every week of every English calendar month between 11:00 a.m. and 2:00 p.m. till trial is not over;

[f] furnish the present 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 concerned trial court;

9) 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.



10) Bail bond to be executed before the 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.

11) At the trial, the 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.

12) The application is allowed in the aforesaid terms. Rule is made absolute to the aforesaid extent. Direct Service is permitted.

VVM

(NIRZAR S. DESAI,J)