

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/CRIMINAL MISC.APPLICATION (FOR REGULAR BAIL - AFTER
CHARGESHEET) NO. 7530 of 2023

=====

AJAY BHIKHABHAI MAKWANA
Versus
STATE OF GUJARAT

=====

Appearance:
S B SUTARIA(7651) for the Applicant(s) No. 1
MS KRINA CALLA APP for the Respondent(s) No. 1

=====

CORAM: HONOURABLE MR. JUSTICE M. R. MENGDEY

Date : 08/11/2023

ORAL ORDER

Rule. Ms.Calla, learned APP waives service of notice of Rule on behalf of respondent State.

1. The applicant has filed this Application under Section 439 of the Code of Criminal Procedure for enlarging the applicant on Regular Bail in connection with FIR being I-C.R.No.I- 11191066220984 of 2022 registered with Vasna Police Station, Dist.Ahmedabad for the offences punishable under Sections 302, 294(Kh), 506(2) and 114 of the Indian Penal Code and Section 135(1) of GPA.

2. Learned advocate for the applicant submitted that,

the applicant is not involved in commission of offence as alleged in the FIR and therefore, looking to the role of the applicant and nature of the alleged allegations, the applicant is required to be enlarged on regular bail by imposing suitable terms and conditions.

3. Per contra, learned APP appearing for the respondent State authority opposed the present application and prayed to dismiss the present application.

4. Heard learned advocates for the parties and perused the record.

5. The investigation is over and the charge-sheet is also filed. The role attributed to the present applicant is to the effect that he had given fist and kick blows to the deceased and other co-accused persons have inflicted knife blows to the deceased. As per the postmortem note, the injuries sustained by the deceased were incise wound and stab wound. The present applicant is not attributed any weapon like knife in his hand. Considering these facts, the present application

deserves consideration and accordingly stands allowed. The Applicant Accused is ordered to be released on bail in connection with the aforesaid FIR on executing a personal bond of **Rs.10,000/-** with one surety of the like amount to the satisfaction of the trial Court, subject to the following conditions that the applicant shall:

(a) not directly or indirectly make any inducement, threat or promise to any person acquainted with the fact of the case so as to dissuade him from disclosing such facts to the Court or any Police Officer or tamper with the evidence.

(b) maintain law and order and not to indulge in any criminal activities.

(c) furnish the documentary proof of complete, correct and present address of residence to the Investigating Officer and to the Trial Court at the time of executing the bond and shall not change the residence without

prior permission of the trial Court.

(d) provide contact numbers as well as the contact numbers of the sureties before the Trial Court. In case of change in such numbers inform in writing immediately to the trial Court.

(e) file an affidavit stating his immovable properties whether self acquired or ancestral with description, location and present value of such properties before the Trial Court, if any.

(f) not leave India without prior permission of the Trial Court

(g) surrender passport, if any, to the Trial Court within a week. If the Applicants do not possess passport, shall file an Affidavit to that effect.

6. Bail bond to be executed before the Trial Court having jurisdiction to try the case. It would be open for the Trial Court concerned to give time to furnish

the solvency certificate if prayed for.

7. If breach of any of the above conditions is committed, the Trial Court concerned will be free to issue warrant or take appropriate action according to law. The Authorities will release the Applicants forthwith only if the Applicants are not required in connection with any other offence for the time being.

8. At the trial, the concerned trial Court shall not be influenced by the *prima facie* observations made by this Court in the present order.

9. Rule is made absolute. Direct service permitted.

MISHRA AMIT V.

(M. R. MENGDEY,J)