

## Vales Alex Edwin Vs State Of Gujarat

**Court:** Gujarat High Court

**Date of Decision:** April 9, 2021

**Acts Referred:** Code Of Criminal Procedure, 1973 " Section 439  
Indian Penal Code, 1860 " Section 114, 406, 420

**Hon'ble Judges:** A.Y. Kogje, J

**Bench:** Single Bench

**Advocate:** Dhruv K Dave, L B Dabhi

**Final Decision:** Allowed

### Judgement

A.Y. Kogje, J

1. This 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 C.R.NO./46/2019 with Bilimora Police Station, Navsari for the offence punishable under Sections 406, 420 and 114 of the Indian Penal

Code.

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. On the other hand, the learned Additional Public Prosecutor appearing for the respondent, State has opposed grant of regular bail looking to the

nature and gravity of the offence.

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 FIR is registered on 18.05.2019 for the offence which took place on 10.09.2016.

II) The applicant is in custody since 18.01.2021.

III) Investigation is concluded and charge sheet is now filed.

IV) Submission of learned advocate for the applicant that the applicant is arraigned as accused in two offences where he has already been enlarged

on regular bail.

V) Submission of learned advocate for the applicant that so far the amount in question in present FIR, the applicant is ready and willing to deposit

Rs.2,50,000/₹ with the Trial Court.

VI) Learned Additional Public Prosecutor under the instructions of the Investigating Officer is unable to bring on record any special circumstances

against the applicant.

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 C.R.NO.I/46/2019 with

Bilimora Police Station, Navsari 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 State of Gujarat without prior permission of the Sessions Judge concerned;

(e) mark presence before the concerned Police Station on alternate Monday of every English calendar month for a period of six months between

11.00 a.m. and 2.00 p.m.;

(f) furnish the present address of his 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 this Court;

(g) deposit Rs.2,50,000/₹ with the Trial Court within a period of month from the date of his release.

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.