

(2021) 02 GUJ CK 0003
In the Gujarat High Court

Case No : R/Criminal Misc.Application No. 19091 Of 2020

Arun Ramavtar Gupta

APPELLANT

Vs

State Of Gujarat

RESPONDENT

Date of Decision : 01-02-2021

Acts Referred:

Indian Penal Code, 1860 — Section 120(B), 406, 420, 467, 468, 469, 471

Citation : (2021) 02 GUJ CK 0003

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

Bench : Single Bench

Advocate : Ashish B Desai H.K.Patel

Final Decision : Partly Allowed

Judgement

A.Y. Kogje, J

[1] This application is for partial modification of suspension of the condition Nos.4 and 5 of bail granted to the applicant by an order dated 04.09.2019

in Criminal Misc. Application No.2727 of 2019 in connection with an FIR being C.R.No.I-97 of 2017 with Vastrarpur Police Station, Ahmedabad for

offences punishable under Sections 406, 420, 467, 468, 469, 471 and 120(B) of the Indian Penal Code.

[2] Learned advocate Mr. Ashish B. Desai for the applicant submits that the conditions need to be modified for the purpose of renewal of his passport

which is to expire in the month of March-2021 and also to renew his employment pass issued to him by the Singapore Government which is to expire

in the month of February-2021. Learned advocate for the applicant submits that as the case against the applicant is for offences under Section 406

and allied sections of IPC, which is Magistrate triable offence, wherein the involvement of the applicant at the most is that the applicant's signature

has been forged by someone to be misused. He submits that the applicant has so far abided by all the conditions of bail and still the applicant is ready

and willing to abide any condition that may be imposed by the Court including the cash deposit with the trial Court so as to ensure his return after the

process for renewal of passport and extension of employment pass from Singapore is available.

[3] Learned Additional Public Prosecutor opposes the application by submitting that the offence was registered in the year 2017 and thereafter, the

applicant was not available for investigation till the applicant was arrested in August-2019 pursuant to lookout circular issued against the applicant. It is

also submitted that over and above two offences at Sola High Court Police Station and Vastrapur Police Station, the applicant is involved in two other

offences one at Ellisbridge Police Station and another with Sitapur Police Station at Uttar Pradesh.

[4] In rejoinder, learned advocate for the applicant submits that both the offences mentioned above at Ellisbridge Police Station and Sitapur Police

Station, Uttar Pradesh have been ordered to be quashed and set aside and he refers to copies of orders of the respective Courts vide order dated

12.09.2019 in Criminal Misc. Application No.17215 of 2019 and vide Clousure Report No.185 of 2015 dated 20.08.2015.

[5] The Court has heard learned advocates for the parties and perused the documents placed on record. The applicant is arrested in connection with

an FIR being C.R.No.I-97 of 2017 with Vastrapur Police Station, Ahmedabad for offences punishable under Sections 406, 420, 467, 468, 469, 471 and

120(B) of the Indian Penal Code. By an order dated 04.09.2019 in Criminal Misc. Application No.2727 of 2019, the applicant was ordered to be

enlarged on regular bail by the Second Additional Sessions Judge, Ahmedabad (Rural), Mirzapur. Under the order of bail, several conditions were

imposed. Two of them being that the applicant shall deposit his passport before the trial Court and that the applicant shall not leave the territory of

India without the permission of this Court. Accordingly, the applicant has deposited the passport No.Z2041218 with the Sessions Court. The passport

which is annexed alongwith this application indicates the date of expiry to be of 28.03.2021. Therefore, for the purpose of renewal, the applicant would

need the passport so as to make application for renewal with the passport authorities. The other condition of restricting movement of the applicant

within the territory of India, the applicant has drawn attention of this Court to Annexure-D, which is the Employment Pass issued on 17.11.2017 and is to expire on 13.02.2021. The applicant has been residing and doing his job in Singapore since last more than seven years before the applicant was arrested in connection with this offence.

[6] As the learned advocate for the applicant has assured the Court that the intention of the applicant is not to flee from justice, but only to renew his passport and employment pass and also that the applicant has been on bail since long and has abided each and every conditions of bail scrupulously and that there is no report of any breach of such condition, the applicant deserves partial consideration. Conditions Nos.4 and 5 of order dated 04.09.2019 in Criminal Misc. Application No.2727 of 2019 are ordered to be suspended for a period of three months from today. Upon the applicant depositing an amount of Rs.5,00,000/- (Rupees Five Lakhs Only) with the trial Court, the passport No.Z2041218 be released by the trial Court after proper verification and be handed over to the applicant.

[7] The applicant shall furnish detailed itinerary as well as address of residence and mobile number to the Investigating Agency and place the same on affidavit before the trial Court. The applicant shall surrender the passport released upon return from Singapore with the trial Court and mark his presence once after he returns from Singapore with the Investigating Agency.

[8] With the aforesaid direction, the application is partly allowed.