

**(2023) 10 GUJ CK 0032**

**In the Gujarat High Court**

**Case No :** Criminal Misc.Application (For Modification Of Order) No. 4 Of 2023 In  
R/Criminal Appeal No. 2194 Of 2019

?Bahadur Sinh Dhirubha Wadher

APPELLANT

Vs

State Of Gujarat

RESPONDENT

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**Date of Decision :** 12-10-2023

**Acts Referred:**

**Citation :** (2023) 10 GUJ CK 0032

**Hon'ble Judges :** A.S. Supehia, J;M. R. Mengdey, J

**Bench :** Division Bench

**Advocate :** K M Jadeja, V A Zala, Vrunda Shah

**Final Decision :** Allowed

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## **Judgement**

A.S. Supehia, J

(1) Heard the learned advocates for the respective parties.

(2) RULE. Learned APP waives service of notice of rule for the respondent-State.

(3) The present application is preferred by the applicant with a prayer to modify / rectify the condition at Paragraph No.20(a) imposed by this Court vide order dated 05.09.2023 passed in Criminal Misc. Application (For Suspension of Sentence) No.1 of 2023 in Criminal Appeal No.2194 of 2019 and to permit the applicant to travel at Ujjain, Madhya Pradesh for a period of 10 days.

(4) Learned advocate for the applicant has submitted that this Court vide order dated 05.09.2023 passed in Criminal Misc. Application (For Suspension of Sentence) No.1 of 2023 in Criminal Appeal No.2194 of 2019 has suspended the sentence imposed by the trial court pending the accompanying appeal and the applicant – accused is released on bail with certain conditions.

(5) Relevant condition, being condition at Paragraph No.20(a) of the aforesaid order, reads as under:

"The applicant shall not leave limits of Gujarat State till final disposal of the appeal;"

(6) Learned advocate for the applicant has further submitted that the applicant is willing to travel to Mahakaleshwar Jyotirlinga Temple located in Ujjain in the State of Madhya Pradesh with his family for a period of 10 days for the purpose of worship and to fulfill their religious belief and, therefore, the applicant has filed the present application seeking permission of this Court to modify the aforesaid condition imposed by this Court at Paragraph No.20(a) of the order dated 05.09.2023 to travel beyond the limits of State of Gujarat for limited time period i.e. 10 days. Learned advocate has also submitted that the applicant is ready and willing to provide all necessary documents, which are necessary to verify the travel history of the applicant, as and when this Court required the same.

(7) Learned Additional Public Prosecutor has submitted that if the Court is inclined to grant the prayer made in the application some conditions may be imposed upon the applicant and he may be directed to disclose his entire schedule and places where he would be staying and can be contacted, in case of necessity.

(8) Having heard the learned counsel for the respective parties, the prayer of the applicant, as prayed for in the present application is granted. Accordingly, the present application is allowed in terms of prayer at Paragraph No.7(B) of this application. The applicant is directed to submit the itinerary of his travel before the competent Court. The applicant shall report to the concerned police station after he returns to Gujarat on completion of 10 days.

(9) It is made clear that if the applicant commits any breach of the conditions imposed by this Court vide the aforesaid order dated 05.09.2023 suspending the sentence and releasing the applicant on bail, it may result in an adverse order being passed.

(10) The application is allowed, to the above extent. Rule is made absolute, accordingly.

(11) Direct Service through electronic mode is permitted.