

(2011) 04 GUJ CK 0173
In the Gujarat High Court

Case No : Criminal Miscellaneous Application No. 3753 of 2009 in Criminal Miscellaneous Application No. 3968 of 2011

Bhumit Umakant Vadher

APPELLANT

Vs

State of Gujarat

RESPONDENT

Date of Decision : 15-04-2011

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 439
Penal Code, 1860 (IPC) — Section 420, 465, 467, 468, 471

Citation : (2011) 04 GUJ CK 0173

Hon'ble Judges : Abhilasha Kumari, J

Bench : Single Bench

Advocate : Mahesh Poojara, for Ashish M. Dagli, s 1, for the Appellant; L.B. Dabhi, Additional Public Prosecutor for Respondent 1, for the Respondent

Judgement

Abhilasha Kumari, J.—Leave to amend the prayer clause at paragraph-4B) is granted. The necessary amendments may be carried out, forthwith.

2. Rule. Mr. L.B. Dabhi, learned Additional Public Prosecutor waives service of notice of Rule on behalf of Respondent - State of Gujarat. On the facts and in the circumstances of the case, and with the consent of the learned Counsel for the respective parties, the application is being heard and finally decided, today.

3. This application has been filed with a prayer to delete/ modify condition No. 7(e) contained in order dated 17.4.2009 passed in Criminal Misc. Application No. 3753/2009. The applicant had filed the above-noted application u/s 439 of the Code of Criminal Procedure for grant of bail, in connection with FIR, being I-CR No. 3/2008 registered with Marine Police Station Mundra, District Kutchh for offences punishable under Sections 420, 465, 467, 468 and 471 of the Indian Penal Code.

4. While granting bail to the applicant, the Court had imposed certain conditions, including condition No. 7(e) whereby the applicant has been directed to mark his

presence before the concerned police station on 15th and 30th day of every month of the English calendar year, any time between 10.00 a.m. to 5.00 p.m., till the commencement of trial.

5. Heard Mr. Mahesh Poojara, learned advocate for Mr. Ashish M. Dagli, learned Counsel for the applicant and Mr. L.B. Dabhi, learned Additional Public Prosecutor for the Respondent - State and perused the averments made in the application.

6. It is submitted by the learned Counsel for the applicant that the applicant has been released on bail vide order dated 17.4.2009, but, till date the trial has not started and the applicant is regularly marking his presence before the concerned police station twice every month. It is further submitted that the said condition may be modified to the extent that the applicant is permitted to mark his presence before the concerned police station once a month, till the commencement of trial.

7. Mr. L.B. Dabhi, learned Additional Public Prosecutor has no objection if the said condition is modified to the extent submitted by the learned advocate for the applicant.

8. In this view of the matter, the following order is passed:

9. The applicant is permitted to mark his presence before the concerned police station once a month and condition No. 7(e) contained in order dated 17.4.2009 passed in Criminal Misc. Application No. 3753/2009, shall be modified as under:

7(e) mark his presence before the Investigating Officer of the concerned police station between 1st and 15th day of every month of the English calendar year, any time between 10.00 a.m. to 5.00 p.m., till the commencement of trial;

The application is partly-allowed, to the above extent. Rule is made absolute, accordingly.