

(2023) 05 GUJ CK 0103
In the Gujarat High Court

Case No : ?R/Criminal Misc.Application No. 9199 Of 2023

Khushboo W/O Kavish Parakh

APPELLANT

Vs

State Of Gujarat

RESPONDENT

Date of Decision : 25-05-2023

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 439(1)(b)

Citation : (2023) 05 GUJ CK 0103

Hon'ble Judges : M. K. Thakker, J

Bench : Single Bench

Advocate : Dax K Solanki, Ketki P Jha, Hardik Mehta

Final Decision : Allowed

Judgement

M. K. Thakker, J

1. This application is filed under Section 439(1)(b) of the Code of Criminal Procedure for modification of Condition No.2 (VII) of the Regular Bail order dated 04.11.2020 passed by learned 5th Additional District & Sessions Judge, Ahmedabad Rural, in Criminal Misc. Application No.2724/2020.

2. This Court has heard learned counsel for the applicant Ms. Ketki Jha and learned APP for the State Mr.Hardik Mehta.

3. Rule. Ld. APP waives Rule for the respondent State.

4. The applicant is facing the trial for the charges punishable under the provisions of the Prohibition Act. She had been granted bail by the District & Sessions Court, Ahmedabad Rural, with a condition that, she shall surrender his passport and shall not leave the territory of India without prior permission of the concerned Court.

5. The applicant herein moved an application for temporary release of passport for visit abroad as referred above before the Court concerned, which came to be partly allowed vide order dated 01.05.2023.

6. Learned counsel Ms.Jha submitted that, the applicant is having business and for the business purpose, she also intends to travel abroad. In this circumstance, it was submitted that, considering the permanent residence of the applicant, there is no chance of fleeing away from justice and therefore, conditions No. 2 (VII) be modified / suspended for a period of one year by imposing appropriate conditions.

7. Having considered the background facts of the applicant and material placed on record, more particularly the fact that, on earlier occasions, the applicant was permitted to travel abroad and she returned back India in time. Considering the same, there is no chance for her to permanent settle at abroad.

8. In the aforesaid background facts, application deserves to be allowed and is hereby allowed. Condition No.2 (VII) of the Regular Bail order dated 04.11.2020 passed by learned 5th Additional District & Sessions Judge, Ahmedabad Rural, in Criminal Misc. Application No.2724/2020 is hereby suspended for a period of one year. The Court concerned/Investigating Officer is hereby directed to release the passport of the applicant subject to following conditions :-

(i) She shall furnish the details of place of his residence in abroad with contact number to the concerned Court as well as investigating officer;

(ii) As and when the applicant intends to travel abroad, she shall file a detailed itinerary before the Court concerned/Investigating Agency and she shall be permitted to leave the territory of India as per the itinerary;

(iii) The applicant to deposit his passport within a week upon completion of one year period.

Direct service is permitted today. Rule is made absolute to the aforesaid extent.