

(2011) 04 GUJ CK 0104
In the Gujarat High Court

Case No : Criminal Revision Application No. 182 of 2010

Mahipatsinh Narubha Jadeja and Another	APPELLANT
Vs	
State of Gujarat and Another	RESPONDENT

Date of Decision : 25-04-2011

Acts Referred:

Citation : (2011) 04 GUJ CK 0104

Hon'ble Judges : M.B. Shah, J

Bench : Single Bench

Advocate : B.M. Mangukiya and Bela A. Prajapati, for the Appellant; L.R. Pujari, Assistant Public Prosecutor for Respondent 1 and Bhargav N. Bhatt, for Respondent 2, for the Respondent

Judgement

M.D. Shah, J.—Rule. Learned APP Mr. L.R. Pujari waives service of notice of rule on behalf of Respondent No. 1-State and learned advocate Mr. Bhargav Bhatt waives service of notice of rule on behalf of Respondent No. 2.

2. The Petitioner-original accused has filed this application with a prayer to delete the condition imposed by the learned Presiding Officer and Additional Sessions Judge, Fast Track Court No. 1, Bhavnagar vide impugned order dated 6.1.2010 passed below Exh.1 in Criminal Misc. Application No. 623 of 2009 whereby the Petitioner is restrained to enter into the local limits of Bhavnagar District till the trial is over.

3. It is submitted by learned advocate Mr. Mangukiya for the Petitioner - original accused that present Petitioner is working in Amargadh and one year is already passed and there is no breach of other condition of the bail order passed by the trial court. It is also submitted by him that in this matter charge sheet is also filed and now question does not arise for tampering with the evidence and therefore it is requested to delete the condition imposed by the learned Presiding Officer and Additional Sessions Judge, Fast Track Court No. 1, Bhavnagar vide impugned order dated 6.1.2010 passed below Exh.1 in Criminal Misc. Application No. 623 of 2009 whereby the Petitioner is restrained to enter into the local limits

of Bhavnagar District till the trial is over.

4. Learned advocate Mr. Bhargav Bhatt appearing on behalf of the Respondent No. 2 -has opposed the same and submitted that the present Petitioner is a head-strong person, and if the said condition is deleted then there is likelihood of tampering with the evidence as well as daily affairs of Amargadh (Jithri) Hospital as present Petitioner is a union leader and a head-strong person.

5. This Court has gone through the impugned order passed by the trial court. It is an admitted fact that there is no breach of condition as far as bail order and nothing is adversely reported against present Petitioner and charge sheet is also filed.

6. In the facts and circumstances of the case, the condition imposed by the learned Presiding Officer and Additional Sessions Judge, Fast Track Court No. 1, Bhavnagar vide impugned order dated 6.1.2010 passed below Exh.1 in Criminal Misc. Application No. 623 of 2009 whereby the Petitioner is restrained to enter into the local limits of Bhavnagar District till the trial is over is modified to the effect that the Petitioner is entitled to enter into the local limits of Amargadh, District Bhavnagar with a condition that he shall mark his presence before Songadh Police Station on 1st and 15th of every English Calendar Month till the trial is over.

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