
(2019) 12 GUJ CK 0059

In the Gujarat High Court

Case No : Criminal Misc.Application (Modification Of Order) No. 1 Of 2019 In R/
Criminal Misc.Application No. 16877 Of 2019

Pareshbhai Vaghubhai Desai

APPELLANT

Vs

State Of Gujarat

RESPONDENT

Date of Decision : 12-12-2019

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 439(1)
Indian Penal Code, 1860 — Section 114, 120B, 406, 409, 420

Citation : (2019) 12 GUJ CK 0059

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

Bench : Single Bench

Advocate : Dipen F Chaudhari, JK Shah

Final Decision : Partly Allowed

Judgement

A.Y. Kogje, J

1. RULE. Learned APP Mr.J.K.Shah waives service of Rule on behalf of the respondent-State.

2. This application under Section 439(1) of the Criminal Procedure Code is filed for modifying condition No.7 (g) of order dated 07.10.2019 passed by

this Court in Criminal Misc.Application No.16877 of 2019, with a further prayer to grant extension to deposit remaining amount. By the aforesaid

order, the applicant was ordered to be enlarged on regular bail in connection with offence being I-CR No.05 of 2019 registered with Border Zone CID

Police Station, Bhuj for offences under Sections 120B, 406, 420, 409 and 114 of the Indian Penal Code.

The said condition reads as under:-

â??(g) shall deposit an amount of Rs.4,50,000/-(Rupees Four Lakh Fifty

Thousand Only) within the period of eight weeks from the date of his release

before the trial Court and file an undertaking to that effect within the period of one week before the trial Court with regard to such deposit;â??

3. Learned Advocate for the applicant submitted that the applicant is facing acute financial problem as earlier, he has deposited an amount of

Rs.10,00,000/-before the Bank. It is submitted that the applicant is in the business of animal husbandry and possesses more than hundred cows. It is

submitted that if some reasonable time is granted, the applicant will be able to deposit the amount.

4. Learned APP opposed the application submitting that the condition imposed is just and proper and no extension be granted.

5. Having heard learned Advocates for the parties and having regard to the facts of the case and as submitted by that the applicant is facing acute

financial problem as earlier, he has deposited an amount of Rs.10,00,000/- before the Bank, the application deserves consideration.

6. In view of the aforesaid, the application is partly allowed. As a last chance, time to deposit the amount is extended for a further of one month. The

applicant shall file a fresh Undertaking to this effect before the concerned Trial Court. It is made clear that the no further extension shall be granted.

The other conditions remain unaltered.

7. Rule is made absolute. Direct service is permitted.