
(2013) 10 GUJ CK 0180
In the Gujarat High Court

Case No : Criminal Revision Application (Against Order Passed by Subordinate Court) No. 583 of 2013

Ranjitbhai Gambhirbhai Vasava

APPELLANT

Vs

State of Gujarat

RESPONDENT

Date of Decision : 25-10-2013

Acts Referred:

Citation : (2013) 10 GUJ CK 0180

Hon'ble Judges : S.G. Shah, J

Bench : Single Bench

Advocate : M.P. Shah and Ms. Kruti M. Shah, s No. 1, for the Appellant; Moksha Thakkar, Assistant Public Prosecutor for the Respondent(s) No. 1, for the Respondent

Final Decision : Allowed

Judgement

S.G. Shah, J.—Heard learned advocate Ms. Kruti M. Shah for the applicant and learned APP Ms. Moksha Thakkar for the respondent - State. Both the parties have agreed to dispose of the matter at an admission stage, since small question is involved.

2. Challenge in this Revision Application is an order dated 31.08.2013 in Criminal Misc. Application No. 2167 of 2013 passed by the learned 5th Additional Sessions Judge, Surat. While granting bail to the present applicant, the trial Court has imposed several conditions wherein condition No. 1 is to the effect that petitioner has to deposit Rs. 10,00,000/- for releasing on bail. The FIR before the Mangrol police station being I - C.R. No. 41 of 2013 dated 12.08.2013 is to the effect that there is mis-appropriation and cheating of an amount of Rs. 12,61,000/-. It is submitted on behalf of the petitioner that he has not committed any cheating or mis-appropriation since he has not forged the letter-head of the Secretary of the institution and thereby when he was not committed any offence, condition of depositing Rs. 10,000/- for releasing on bail is unconstitutional, unwarranted and harsh.

3. As against that it is submitted by the learned APP that in such cases of financial offence there is no option but to pass such an order so as to confirm the recovery from the wrong doors. It is also submitted that the amount involved in the offence is public money and therefore learned APP is supporting the condition in impugned order and requesting to dismiss the application.

4. It cannot be ignored that even in case of huge loss to public money like 2G Scam, the Honourable Apex Court has while releasing the accused considering it fit not to impose such condition. Petitioner has relied upon the decision in case of Sanjay Chandra Vs. CBI, Petitioner has also relied upon several un-reported cases by this Court, which are Criminal Revision Application No. 536 of 2012 and Criminal Revision Application No. 92 of 2012 and reported cases;

1) Mahersingh v. P.B. Poddar reported in 2004 (4) GLR 3332,

2) Sandeep Jain Vs. National Capital Territory of Delhi Rep. by Secretary, Home Deptt., as well as

3) Amarjit Singh Vs. State of NCT of Delhi,

4) I. Glaskasden Grace and Others Vs. Inspector of Police and Another,

5) Sohan Lal Juneja and Others Vs. State of Punjab,

5. In view of the settled legal position, which emerges from above referred decisions, there is least scope of discussing more factual details or to dismiss this Revision Application since the only prayer in Revision Application is to quash and set aside only one condition from the impugned order which relates to direction to pay huge amount of Rs. 10,00,000/- for releasing on bail and such condition of directing to deposit huge amount is condition precedent to release the accused on bail is not warranted, else it means to refusing the bail. Therefore, Revision Application is allowed as prayed for. Direct service is permitted.