

(2020) 02 GUJ CK 0040

In the Gujarat High Court

Case No : Criminal Misc.Application (Modification/Deletion Of Condition) No. 1 Of 2020 In R/Criminal Misc.Application No. 24046 Of 2019

Rashmi Rajeshkumar Sarda

APPELLANT

Vs

State Of Gujarat

RESPONDENT

Date of Decision : 18-02-2020

Acts Referred:

Indian Penal Code, 1860 — Section 114, 406, 420

Citation : (2020) 02 GUJ CK 0040

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

Bench : Single Bench

Advocate : Nirali G Sarda, Ronak Raval

Final Decision : Allowed

Judgement

A.Y. Kogje, J

1. RULE. Learned Additional Public Prosecutor waives service of notice of Rule on behalf of the respondent â?" State.

2. This application is filed for modification of the condition No.6. (f) of the order dated 27.12.2019 passed in Criminal Miscellaneous Application

No.24046/2019.

3. Learned Advocate for the applicant submits that vide order dated 27.12.2019, the applicant was enlarged on anticipatory bail in connection with

First Information Report registered as I-C.R. No.81/2019 registered with Kalupur Police Station, Ahmedabad.

4. Learned Advocate for the applicant submits that by virtue of one of the conditions of the anticipatory bail, the applicant is required to mark presence

once in 15 days before the concerned Police Station till the filing of the chargesheet. It is submitted that there is a subsequent development where the

co-accused has filed a Special Criminal Application No.9223/2019 wherein vide order dated 15.10.2019 this Court has granted interim relief in terms

of Paragraph 10(B). Learned Advocate for the applicant produces for perusal a copy of the Memo of the petition of Special Criminal Application

No.9223/2019 wherein Clause 10.(B) reads as under :-

“(B) Pending admission, hearing and final disposal of this petition, this Honourable Court may be pleased to stay the investigation and/or further

proceedings of FIR being C.R. No.I/81/2019 dated 10.8.2019 lodged before the Kalupur Police Station, Ahmedabad by Respondent No.2 against the

Petitioners for the offences punishable under sections 406, 420 & 114 of the IPC;”

5. Considering the fact that the investigation is now stayed, the issue of filing of chargesheet will not arise. It appears that pursuant to the conditions

under 6.(f) of the order dated 27.12.2019, the applicant has marked presence on three occasions before the concerned Police Station.

6. In view of the aforesaid development, it would be appropriate to delete condition No.6.(f) of the order dated 27.12.2019. The rest of the conditions

of the order shall continue to operate.

7. The application is allowed in the aforesaid terms. Rule made absolute. Direct Service is permitted.