
(2023) 10 GUJ CK 0082

In the Gujarat High Court

Case No : Criminal Misc.Application (Modification/Deletion Of Condition) No. 1 Of 2023 In R/Criminal Misc.Application No. 13945 Of 2022

S. Raghunathan S/O P Sundararajan

APPELLANT

Vs

State Of Gujarat

RESPONDENT

Date of Decision : 27-10-2023

Acts Referred:

Citation : (2023) 10 GUJ CK 0082

Hon'ble Judges : Nikhil S. Kariel, J

Bench : Single Bench

Advocate : Dakshesh Mehta, Rushang D Mehta, Hardik Soni

Final Decision : Disposed Of

Judgement

Nikhil S. Kariel, J

1. Heard learned Advocate Mr. Dakshesh Mehta on behalf of the applicant and learned Additional Public Prosecutor Mr. Hardik Soni on behalf of the respondent-State.

2. By way of this application the applicant seeks modification of condition no. 7(g) imposed upon the applicant vide order dated 09.09.2022 passed in Criminal Misc. Application No. 13945 of 2022 whereby the applicant has been released on anticipatory bail, more particularly the condition as regards the applicant not to leave India without permission of the Court and further the applicant being required to surrender his passport before the learned Trial Court.

3. Considering the submissions made by learned Advocate Mr. Mehta on behalf of the applicant that the applicant has to travel abroad for professional work and also considering the itinerary and the statement made by learned Advocate that the applicant is ready and willing to deposit an amount of Rs. 2,00,000/- with the learned Trial Court which amount would stand as a surety for the purpose of securing the presence of the present applicant, the following directions are passed:

[1] Condition No.7(g) of the order dated 09.09.2022 passed by this Court in Criminal Misc. Application No.13945 of 2022 is directed to be kept in abeyance from 01.11.2023 to 05.11.2023.

[2] The applicant to deposit an amount of Rs. 2,00,000/- with the learned Trial Court which amount shall stand as surety for the purpose of securing the presence of the present applicant.

[3] Upon the amount of Rs. 2,00,000/-being deposited by the applicant with the learned Trial Court and the applicant being applied for release the passport, the learned Trial Court shall release the passport of the applicant.

[4] The applicant is permitted to travel abroad as per the itinerary i.e. from 02.11.2023 to 04.11.2023 and whereas upon his return back to India on 04.11.2023, the applicant to deposit his passport with the learned Trial Court within a period of week of his return.

[5] It is clarified that in case the above conditions are fulfilled and the applicant deposits his passport within a week of his return i.e. within a week a from 04.11.2023 then an amount of Rs. 2,00,000/- deposited with the learned Trial Court shall be returned to the applicant forthwith. Upon deposit of the passport or within one week from 04.11.2023 the applicant returning from the abroad, the condition no. 7(g) of order dated 09.09.2022 shall stand revived.

[6] It is clarified that in case if the applicants violates the condition of re-depositing the passport of deposit the passport late, or even absconds, the learned Trial Court in addition to taking appropriate action in accordance with law shall be at liberty forfeit the amount of Rs. 2,00,000/- deposited by the applicant.

With these observations and direction application stands disposed of as allowed. Rule is made absolute to the above extent.

Direct service is permitted today.