

(2012) 10 GUJ CK 0004

In the Gujarat High Court

Case No : Criminal Miscellaneous Application No. 14377 of 2012 in Criminal
Miscellaneous Application No. 11658 of 2011

Saiyadulla Rasul Bhorniya

APPELLANT

Vs

State of Gujarat

RESPONDENT

Date of Decision : 15-10-2012

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 439

Citation : (2012) 10 GUJ CK 0004

Hon'ble Judges : Anant S. Dave, J

Bench : Single Bench

Advocate : Amit N. Chaudhary s, for the Appellant; Moxa Thakkar, Additional
Public Prosecutor for Respondent(s) : 1, for the Respondent

Judgement

Honourable Mr. Justice Anant S. Dave

1. Heard Learned Counsel Mr. Amit N. Chaudhary for the applicant and learned Additional Public Prosecutor Ms. Moxa Thakkar for the respondent-State. In this application, seeking modification of one of the conditions of bail u/s 439 of the Code of Criminal Procedure, 1973 (in short "the Code") vide First Information Reported registered as I-C.R. No. 113/2008 with Navsari Rural Police Station on the ground that the applicant, his sister and mother had applied for "Haj" before the Haj Committee of India, Mumbai and they are selected for "Haj" by the above Committee. In order to undertake this pilgrimage, the applicant is required to deposit his passport pursuant to the order dated 23.08.2011 in Criminal Miscellaneous Application No. 11658/2011 passed by this Court while enlarging him on bail on bail. In addition, the antecedents and credentials of the applicant are verified, which is so stated by the learned Additional Public Prosecutor Ms. Moxa Thakkar.

2. Considering the overall circumstances as above, if the applicant herein prefers an application before the learned Additional Sessions Judge, Navsari to provide the passport for three months for the "Haj" pilgrimage, the same be released

immediately by keeping a photocopy of the said passport as the last date for the above pilgrimage is 17th October, 2012.

3. In the aforesaid circumstances, the condition to deposit the passport as passed by this Court is temporarily suspended and will be revived after a period of three months, on the applicant's return from the "Haj" pilgrimage and deposit of his passport before the concerned Court. Rule made absolute to the aforesaid extent. Direct Service is permitted today.