

(2021) 03 GUJ CK 0021

In the Gujarat High Court

Case No : Criminal Misc.Application (Modification/Deletion Of Condition) No. 1 Of 2021 In R/Criminal Misc.Application No. 12834 Of 2018

Vijaybhai Jayantibhai Thummar

APPELLANT

Vs

State Of Gujarat

RESPONDENT

Date of Decision : 01-03-2021

Acts Referred:

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

Citation : (2021) 03 GUJ CK 0021

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

Bench : Single Bench

Advocate : Sadik A Ansari, HK Patel

Final Decision : Partly Allowed

Judgement

A.Y. Kogje, J

1. RULE. Learned APP Mr.H.K.Patel 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 /deleting condition No.8(d) of order dated 21.08.2018

passed by this Court in Criminal Misc.Application No.12834 of 2018 for a limited period of three months. By the aforesaid order, the applicant was

ordered to be enlarged on anticipatory bail in the event of his arrest in connection with offence being I-CR No.151 of 2018 registered with Varachha

Police Station, Surat for offences under Sections 406, 420, 120B and 114 of the Indian Penal Code. The said condition No.(f) reads as under:-

Â 8.(d)shall not leave India without the permission of the Court and if having passport, shall deposit the same before the Trial Court within a

week;â??

3. Learned Advocate for the applicant submitted that in compliance of the aforesaid condition, the applicant has already deposited his passport before the concerned trial Court and the applicant is also scrupulously complying with other conditions of anticipatory bail.

3.1 It is submitted that the applicant is in the business of gold and diamonds and jewels and therefore, he wants to visit Dubai for his business purpose.

Learned Advocate invited attention of the Court to the air tickets in this regard. It is submitted that the offence is of 2018, wherein the applicant has

been granted anticipatory bail and till date, there is no breach reported of any of the conditions and the applicant is also cooperating in trial.

4. Learned APP opposed the application submitting that the condition imposed is just and proper and no deletion is required.

5. Having heard learned Advocates for the parties and having perused the documents on record, it appears that the applicant is in the business of gold

and diamonds and jewels and therefore, he wants to visit Dubai for his business purpose. The offence is of 2018, wherein the applicant has been

granted anticipatory bail and till date, there is no breach reported of any of the conditions and the applicant is also cooperating in trial. As submitted by

learned Advocate for the applicant, the applicant is also having movable and immovable property in Naroda and undertakes to obey each and every

condition scrupulously.

6. In view of the above, the application is partly allowed. Condition No.8(d) of order dated 21.08.2018 passed by this Court in Criminal

Misc.Application No.12834 of 2018 is hereby ordered to be suspended for a period of three months. It is directed that passport of the applicant be

returned back to the applicant after due verification. The applicant is directed to submit detailed itinerary to the trial Court as and when he goes

abroad. The applicant is also directed to deposit an amount of Rs.5,00,000/- (Rupees Five Lakhs Only) before the trial Court, which shall be refunded

to him upon his return. The applicant shall redeposit the passport after three months. The other conditions remain unaltered.

7. Rule is made absolute to the aforesaid extent.

Direct service is permitted.