

GJVD010052672023



Received on : 03.08.2023
Registered on: 03.08.2023
Decided on : 07.08.2023
Duration : 4 Days

**IN THE COURT OF THE 5TH ADDITIONAL SESSIONS JUDGE
AT VADODARA**

Criminal Misc. Application No.1930 of 2023

Exh._____

Jageshbhai Bhadrakumar Savjani
Age : 47 years, Occupation : Business
Residing at Dr. Anibesent Road,
Near Niam Center,
Hanumannagar, Varli,
Mumbai -30

... Applicant

Versus

The State of Gujarat

... Opponent

Learned Advocate Mr. K.K. Kesarkar for the applicant.

Learned APP. Mr. R.M. Chauhan for the opponent – State.

**Application under section 439(1)(B) of the Criminal Procedure
Code for modification of conditions**

JUDGMENT

1. The present application is preferred by the applicant-accused to modified and/or delete the conditions imposed by the Hon'ble 04th Addl. Session Judge, Vadodara in Criminal Misc. Application No. 2700 of 2020 dated 24.01.2021 and also pray to release his passport with permission to leave India in connection with the Sama Police Station, CR I Part -A 11196013210635/2021) for the offenses punishable under 406, 420, 465, 467, 468 , 471 & 114 of the Indian Penal Code.
2. Ld. Advocate Mr. K.K. Kesarkar for the applicant-accused submitted that the present applicant-accused has been enlarged on anticipatory bail by Ld. Additional Sessions Judge by order dated 04.01.2021 in Criminal Misc. Application No. 2700 of 2021 with the certain conditions, therein. The condition no.5 is that the applicant-accused should not leave territory of India without prior permission of the court and surrender his passport within 7 days. Thereafter, the applicant-accused has filed Criminal Misc. Application No. 900 of 2022 for releasing his passport and permission to leave India and in that application, Ld. Additional Sessions Judge, Vadodara by order

dated 05.05.2022 allowed the said application with certain conditions. Thereafter, the present applicant has preferred Criminal Misc. Application No. 1373 of 2023 for granting permission to leave India for 54 days and same has been rejected by the Hon'ble Court and therefore, the applicant has preferred Criminal Misc. Application No.12909 of 2022 before the Hon'ble High Court and same has been allowed by the Hon'ble High Court and as soon as the applicant return from abroad, applicant surrender his passport beofre the Nazir, Chief Court. Thereaftr, again applicant has preferred Criminal Misc. Application No. 1424 of 2023 for returning of passport but same has been withdrawn by the applicant. It is submitted that the present applicant-accused has doing business of restaurant, water park & export etc. Further, it is stated that for expansion of business, the applicant-accused has wanted to go at Jordan & Israel and for pre-arrangement of business the applicant may be parmitted leave India for the period from 10.08.2023 to 05.09.203. Further, it is submitted that the applicant-accused is permanent resident of Bombay, Maharashtra and he will abide all the conditions imposed by this Hon'ble Court and during the absence of India, the prosecution case

will not get any harm and therefore, present application may be allowed with the appropriate conditions.

3. Opponent – State duly served with the notice and, accordingly, Learned APP. Mr. R.M. Chauhan appeared on behalf of the State and Mr. H.M. Chauhan, Detective Police Inspector, CID Crime Vadodara City Police filed his report at Exh.4.
4. Ld. APP. Mr. R.M. Chauhan for the state objected the present application and submitted that as per the report of the IO, trial is pending and there is involvement of the applicant-accused in the offenses which is registered against him and if present application is allowed then there are possibilities that the applicant-accused will not returned back to India and living at abroad. Therefore, the applicant-accused want to flee away from country and due to same reason present application may not be allowed.
5. I have carefully gone through the facts of the present application, FIR, previous order of bail and the list of the documents produced by the present applicant-accused in support of present application. From all these documents, it prima facie reveals that the the applicant-

accused is involved in the above offense and trial is pending. Further, previously the applicant has abide all the conditions which was imposed by the Court and therefore, only for business purpose applicants wants to go out of India and for that applicant will give assurance that, he will abide all the conditions. Further the applicant-accused has produced documents like travel itinerary of the applicant vide Mark-10 and receipt of the Hotel Bookings of the stay of the applicant and hence, only for the business purpose, he required to go out of India. Therefore, considering the facts and circumstances and reason for leaving India, this court is find it fit to exercise discretion in favour of the applicant-accused. Hence, the following order is passed.

ORDER

1. The present application of applicant - Jageshbhai Bhadrakumar Savjani is hereby allowed.
2. The Nazir, Chief Judicial Magistrate Court, Vadodara is hereby directed to return original Passport No. CD368082 the applicant on depositing the security amount in the court.
3. The present applicant is directed to deposit an amount of

Rs.1,00,000/- (Rupees One Lacs Only) as a security before the concerned Trial Court and thereafter his original Passport No. CD368082 is to be handed over to the applicant and visit Jordan & Israel for period from 10.08.2023 to 05.09.2023 with the following conditions.

(a) he shall not act in a manner injurious to the interest of the prosecution;

(b) he shall not take undue advantage of his liberty or misuse liberty;

(c) he shall not act in a manner injurious to the interest of the prosecution;

(d) as soon as applicant returned from Jordan & Israel to Vadodara, he has to appeared and file an affidavit along with original copy of the passport as well as viza within a period of 3 days from the return of Jordan & Israel declare on oath that he returned from Jordan & Israel

(e) as soon as the applicant-accused returned, deposit his original Passport with Nazir, Chief Judicial Magistrate Court,

Vadodara and the Trial Court has to return the amount of Rs. 1,00,000/- which is deposited as a security by the applicant after duly verifying the passport of the applicant-accused.

4. Necessary yadi of this order be sent to the concerned court and police station.

Signed and pronounced in the open Court on this 07th day of August , 2023.

Vadodara,
07.08.2023.

(Maksudahmed Muzaffarhusen Saiyed),
5th Additional Sessions Judge,
Code No.GJ00618.

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