IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/CRIMINAL MISC.APPLICATION NO. 19068 of 2020

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MELABHAI MOHANBHAI BARAIYA

Versus

STATE OF GUJARAT

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Appearance:
MR SHIRISH R PATEL(5605) for the Applicant(s) No. 1
MR H K PATEL, APP (2) for the Respondent(s) No. 1
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CORAM: **HONOURABLE MR. JUSTICE A.Y. KOGJE**

Date : 17/12/2020

ORAL ORDER

1. This application is field for modification of condition of bail by which the applicant was enlarged on regular bail in connection with offence being C.R. No.I-24 of 2018 registered with Vivekanand Nagar Police Station, Ahmedabad (Rural).

2. Leaned advocate for the applicant submits that by Condition No.7(g), the applicant is restricted from entering Ahmedabad District. It is submitted that subsequently, other co-accused have been enlarged on regular bail and in that cases, the condition for restricting the movement of the co-accused was limited for the purpose of 6(six) months. It is submitted that in the bail order of the co-accused passed by the Sessions Court, no such condition has been imposed.

3. Learned APP opposes the grant of application submitting that the condition has been imposed because of valid reason. The applicant side is residing at the same place where the complainant is residing, and therefore, such condition has been imposed.

4. Having considered the rival submissions made by learned advocates for the respective parties and perused the material on record. The applicant is enlarged on bail vide order dated 15.10.2019 passed in Criminal Misc.Application No.13788 of 2019 connection with offence being C.R. No.I-24 of 2018 registered with Vivekanand Nagar Police Station, Ahmedabad (Rural). The impugned condition 7(g) reads as under:-

"(g) not to enter District Ahmedabad till completion of trial except marking presence and attending the trial."

5. The documents produced on record consist of order passed by this Court as well as order passed by the Sessions Court. Perusal of which would indicate that in case of co-accused, the condition was restricted only for the period of 6(six) months. The condition imposed in present application is in operation from last more than 1(one) year. In the meantime, no untoward incident has been reported. The other conditions scrupulously followed without any breach.

6. In view of aforesaid, sufficient ground to delete Condition No.7(g) is made out. Therefore, it is hereby ordered to delete Condition No.7(g) imposed vide order dated 15.10.2019 passed in Criminal Misc.Application No.13788 of 2019 connection with offence being C.R. No.I-24 of 2018 registered with Vivekanand Nagar Police Station, Ahmedabad (Rural). Rest of the conditions to continue to operate.

With the aforesaid direction, the present application stands disposed of.

(A.Y. KOGJE, J)

CAROLINE/GIRISH