

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

**INTERIM APPLICATION NO.3807 OF 2022
IN
CR.APPEAL NO.174 OF 2004**

Vipul Manubhai Patel

Age : 46 yrs; Occ: Employed,
R/o : 24, Chevin Avenue,
Leicester, LE3 6PX, UK.
Indian Residence,: 9, Shreeji
Shraddha Soc.Korely Baug,
Baroda, GUJRAT.

.... **Applicant.**

Versus

The State of Maharashtra
(Through Kashimira Police Station)

.... **Respondent.**

.....

Mr. Hrishikesh Mundargi, Advocate, i/b Paavani Chadha, for the
Applicant.

Mr A.R. Kapadnis, APP for the Respondent-State.

PI Jitendra Patil, Kashimira Police Station present.

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**CORAM: NITIN W. SAMBRE AND
R. N. LADDHA, JJ.**

DATE : 2 FEBRUARY 2023

P.C. :-

Vide order dated 9th March, 2021, Look Out Notice was

issued against the Applicant, as his presence was not secured in the Appeal against acquittal, preferred by the State Government.

2. Applicant in the aforesaid case was charged for the offences punishable u/s 302 of the Indian Penal Code.

3. After considering the prayer of the Applicant, vide order dated 9th June, 2022, this Court granted him bail, with rider/Condition No.(iv) that “the Applicant shall not leave the country without the permission of this Court”.

4. In this background, the Applicant is seeking relaxation of above Condition No. (iv), as incorporated, in Order dated 9th June, 2022, whereby, he was ordered to be released.

5. Contentions of learned Counsel for the Applicant are that the Applicant has furnished an Undertaking to this Court, duly sworn on 28th January, 2023, thereby, undertaking as and when his physical presence is required in the present matter, he shall remain present before this Court. The Applicant further assures that, in case of change in his residential address or contact details which are furnished in the Undertaking, he shall inform this Court as well as the concerned police station about the same. The Applicant has furnished his permanent place of residence/address including the

contact numbers of his wife and sister, who are citizens of the United Kingdom.

6. In this background and having regard to the fact that the Appeal is not likely to be heard in recent future, this Court is inclined to accept the aforesaid Undertaking. The Undertaking is, accordingly, accepted. Same is taken on record and marked as 'X' for identification which is formed part and parcel of this order.

7. In this background, we direct that ***Condition No.(iv)*** of **Order granting bail, dated 9th June, 2022**, stands modified as under:

“The Applicant is permitted to leave this Country, so as to enable him to stay at the United Kingdom/London, at the address mentioned in the Undertaking subject to compliance of the Undertaking referred above.”

8. The Application stands allowed in above terms.

9. It is further directed that the Applicant shall forthwith report to the Indian Embassy in London thereby furnishing his entire details, as regards contact numbers and local address with the copy of this order and also Undertaking.

10. The Applicant shall furnish a photocopy of his Passport, he being United Kingdom citizen, with the Indian Embassy, in London.

11. Having regard to the fact that the Applicant is a United Kingdom Citizen, we direct that his Passport be released.

12. Applicant is directed that compliance of aforesaid directions is to be reported by him, i.e. his reporting to the Indian Embassy in London and further compliance of all the formalities to this Court, through the Registrar (Judicial), in the present Appeal, within a period of two weeks from his landing at London.

[R. N. LADDHA, J.]

[NITIN W. SAMBRE, J.]