

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

**R/CRIMINAL MISC.APPLICATION (FOR CANCELLATION OF BAIL) NO.
3147 of 2022**

In R/CRIMINAL MISC.APPLICATION NO. 11510 of 2021

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ICICI BANK LIMITED THRO TEJAS MANDALIA

Versus

ASHISHBHAI BALUBHAI KAKDIYA & ANR.

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Appearance:

MR AMAR N BHATT(160) for the Applicant(s) No. 1

MR HK PATEL, APP for the Respondent(s) No. 2

RULE SERVED for the Respondent(s) No. 1

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CORAM:HONOURABLE MR. JUSTICE J. C. DOSHI

Date : 23/02/2024

ORAL ORDER

1. Report dated 17.02.2024 forwarded by learned 7th Additional Senior Civil Judge, Surat is taken on record.
2. Though respondent no.1 is served, none remained present.
3. By way of the present petition under Section 439(2) of the Code of Criminal Procedure, 1973, the petitioner - original complainant has prayed to cancel bail granted to respondent no.1 vide order dated 09.07.2021 passed by this Court in Criminal Misc. Application No.11510 of 2021.
4. The respondent no.1 - accused had preferred anticipatory bail before this Court being Criminal Misc. Application No.11510 of 2021 and this Court vide order dated 09.07.2021 granted bail

on some conditions. Condition no.(g) of para 14 of the said order reads as under:-

"(g) shall deposit an amount of Rs.10,00,000/- within a period of fifteen (15) days and the rest of the amount i.e. Rs.40,00,000/- shall be deposited in equal monthly installments within a period of six months (6 months) before the trial Court."

5. Para -2 of the report forwarded by learned Trial Court reads as under :-

"(2) Compliance by the respondent regarding deposit of money. In this connection, it is respectfully submitted that the accused above named i.e. Ashishbhai Balubhai has not deposited any amount before this Court. It is respectfully submitted that after receipt of this writ, a notice was sent to the accused and he has declared that he has not deposited the money as per the order of the Hon'ble High Court. Copy of the same is annexed herewith by Annexure-A."

6. In view of above, since respondent no.1 accused has breached condition no.(g) of para 14, imposed by this Court vide order dated 09.07.2021, bail granted by this Court to the respondent no.1 - accused is hereby cancelled.

The petition stands disposed of.

(J. C. DOSHI,J)

SATISH