

Gujarat High Court

Haji vs State on 15 July, 2011

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Gujarat High Court Case Information System

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CR.MA/9606/2011 2/ 2 ORDER

IN
THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL
MISC.APPLICATION No. 9606 of 2011

In

CRIMINAL
MISC.APPLICATION No. 10800 of 2009

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HAJI
JAHURBHAI HAJI KADARBHAI - Applicant(s)

Versus

STATE
OF GUJARAT - Respondent(s)

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Appearance :
MR
ASHISH M DAGLI for Applicant(s) : 1,
MR HL JANI APP for
Respondent(s) :
1,
=====

CORAM

:

HONOURABLE

MR. JUSTICE RAJESH H. SHUKLA

Date
: 15/07/2011

ORAL
ORDER

The present application has been filed by the applicant-accused praying for modification/deletion of condition no.6(g) imposed while releasing the applicant on bail as per the order passed in Criminal Misc. Application No.10800/2009 dated 22.09.2009, which reads as under :-

"(g) surrender their passport, if any, to the lower Court, within a week."

Learned counsel for the applicant submitted that the applicant desires to visit Mecca-Madina and thereafter for Umra for pilgrimage and, therefore, the passport may be released subject to any condition. He further submitted that the applicant has not flouted any condition and he is businessman and, hence, he is not like to flee away.

Learned A.P.P., Mr.Jani resisted the present application. However, he fairly submitted that no conditions have been violated.

In view of the rival submissions and having perused the papers, the present application deserves to be allowed.

Accordingly, this application stands allowed. The Condition nos.6(g) imposed while releasing the applicant on bail as per the order passed in Criminal Misc. Application No.10800/2009 dated 22.09.2009 is suspended in order to enable him to visit Mecca-Madina and Umar for pilgrimage. The trial court shall hand over the passport of the applicant on proper identification and on his submitting itinerary and xerox copy of his passport, which shall be kept with the record. The applicant shall surrender his passport before the trial court on or before 08th November, 2011. All other conditions will remain unaltered.

Rule is made absolute to the aforesaid extent. Direct service is permitted.

(RAJESH H.SHUKLA, J.) /patil Top