



IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

**R/SPECIAL CRIMINAL APPLICATION (QUASHING) NO. 7006
of 2024**

=====
RATILAL CHIMANLAL SMITH & ANR.

Versus

STATE OF GUJARAT & ANR.
=====

Appearance:

**MR HRIDAY BUCH(2372) for the Applicant(s) No. 1,2
for the Respondent(s) No. 2**

**MS MAITHILI D MEHTA ADDITIONAL PUBLIC PROSECUTOR for
the Respondent(s) No. 1**
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CORAM:HONOURABLE MR. JUSTICE NIRZAR S. DESAI

Date : 21/06/2024

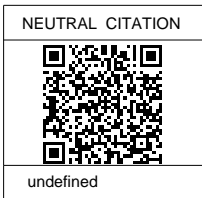
ORAL ORDER

1. Heard learned advocate Mr. Hriday Buch appearing for the applicants.
2. By way of this application preferred qua applicant No.1 only now, the applicant has prayed for following reliefs :-

A. YOUR LORDSHIPS be pleased to admit and allow the present Application;

B. YOUR LORDSHIPS be further pleased to delete/suitably modify the Conditions No.1, 3, and 5 as imposed by the Order dated 18.04.2024 (ANNEXURE-A Colly)

C. Pending hearing of the present

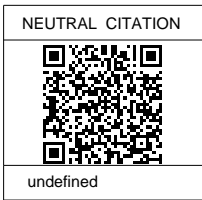


Application, YOUR LORDSHIPS be further pleased to stay the implementation, execution and operation of the conditions No.01, 03 and 05 imposed vide order dated 18.04.2024 below Exb.22 in Criminal Case no.18 of 2023 in the court of Additional Judicial Magistrate First Class, Kathlal.

D. YOUR LORDSHIPS may be pleased to pass any other or further orders as may be deemed fit in the interest of justice."

3. It is the case of the applicant No.1 that pursuant to the direction issued by this Court in Special Criminal Application (Quashing) No.2709 of 2024 dated 2.4.2024, the applicant No.1 appeared before the Trial Court and he was granted bail. However, considering the fact that he is 95 years of age and is hardly in a position to move, he is not in a position to remain present before the concerned Court.

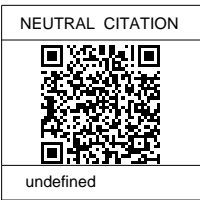
4. Considering the aforesaid aspect as well as considering the fact that the applicant No.1 is 95 years of age, it is directed that as far as the presence of applicant No.1 is concerned, the same may be exempted during the course of trial of Criminal Case No.18 of 2023 which is going on



before the Court of learned Additional Judicial Magistrate First Class, Kathlal. All other conditions shall remain unaltered.

5. Learned advocate Mr. Hriday Buch further submitted that at least in respect of both the applicants the amount of surety may be reduced and condition may be modified to the extent of providing separate sureties who have not remained as surety in any other matters may be considered by this Court and that condition may be suitably modified qua both the applicants.

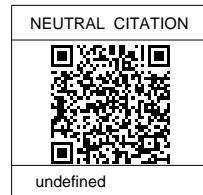
6. The aforesaid submission seems to be reasonable as according to learned advocate Mr. Hriday Buch, the concerned Court has ordered the applicants to furnish the surety of 50% of the amount of cheques and separate surety for each of the applicants is asked for which amounts to the cheques amount itself. Considering the fact that the applicants are businessmen and applicant No.2 is required to travel all over India. Learned advocate Mr. Hriday Buch also



submitted that he may be permitted to leave Gujarat upon making an application and showing valid cause, which he shall make before the concerned Court.

7. Considering the aforesaid submissions, condition No.1 of the order is modified, the applicants are directed to provide a consolidated surety of Rs.2,00,000/- (Rupees Two Lac) in each of the case along with a surety of like amounts. However, the condition in respect of providing separate surety who has not been a surety in other cases is deleted.

8. If upon an application made by the applicant, any valid cause is made out, the concerned Court shall grant him permission to leave Gujarat. Further, if after sometime, the applicant makes a fresh application for modification of condition, looking to the conduct of the applicant, it will be open for the trial Court to consider the applicant's fresh request for modification.



9. With the aforesaid, modification application is disposed of.

(NIRZAR S. DESAI, J)

Pallavi