IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

<u>CRIMINAL APPEAL NO.   OF 2023</u>
(arising out of SLP (Crl.) 3249 of 2023)

ARUN BHANUBHAI VAGHASIYA   .....   APPELLANT(S)

VERSUS

STATE OF GUJARAT   .....   RESPONDENT(S)

<u>**O R D E R**</u>

Leave granted.

Heard learned counsel for the parties.

The appellant – Arun Bhanubhai Vaghasiya has challenged the direction to deposit Rs.50,00,000/- (rupees fifty lakhs only) as a condition to continue on bail. He was required to deposit this amount within a period of three months from the date of his release.

It is an accepted position that the appellant – Arun Bhanubhai Vaghasiya was not the Director of the company on the date when the transactions had taken place. Our attention is also drawn to the judgment of this Court dated 04.07.2023, titled, "Ramesh Kumar v. State of NCT Delhi"[1], whereby this Court has observed that while granting bail onerous, unreasonable or excessive conditions should

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[1] Criminal Appeal No.1741 of 2023.

not be imposed. Further, inclusion of a condition to pay money for the grant of bail tends to create an impression that bail could be secured by depositing money. This is not the purpose and the intent of the provisions for the grant of bail.

One of the contentions raised by the appellant – Arun Bhanubhai Vaghasiya is that no criminal case is made out against him. The informant/complainant has compromised the matter with the earlier Directors of the company.

Be that as it may, we are inclined to delete the condition directing the appellant – Arun Bhanubhai Vaghasiya to deposit Rs.50,00,000/- (rupees fifty lakhs only).

The impugned judgment/order and the judgment/order of the Additional Sessions Judge, Gandhidham, Kutch dated 05.03.2020 is partly modified and the appeal is allowed and disposed of in the above terms.

We clarify that we have not interfered with the other terms and conditions imposed by the trial court while granting bail to the appellant – Arun Bhanubhai Vaghasiya.

At this stage, learned counsel appearing on behalf of the appellant states that the appellant – Arun Bhanubhai Vaghasiya will be moving an application to modify the condition that the appellant - Arun Bhanubhai Vaghasiya must stay in the State of Gujarat, and is only permitted to travel to Delhi. If any such application is filed, the same will be considered and decided in accordance with law.

We clarify that the observations made in this order are for the purpose of disposal of the present appeal, and would not be construed as findings and observations on the merits of the case.

Pending application(s), if any, shall stand disposed of.

..................J.
(SANJIV KHANNA)

..................J.
(S.V.N. BHATTI)

NEW DELHI;
DECEMBER 11, 2023.

ITEM NO.12   COURT NO.3   SECTION II-B

S U P R E M E   C O U R T   O F   I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Crl.) No. 3249/2023

(Arising out of impugned final judgment and order dated 03-01-2023
in CRMA No. 19445/2022 passed by the High Court of Gujarat at
Ahmedabad)

ARUN BHANUBHAI VAGHASIYA   Petitioner(s)

VERSUS

THE STATE OF GUJARAT   Respondent(s)

(IA No. 50896/2023 - EXEMPTION FROM FILING C/C OF THE IMPUGNED
JUDGMENT
 IA No. 50893/2023 - EXEMPTION FROM FILING O.T.
 IA No. 56365/2023 - PERMISSION TO FILE ADDITIONAL
DOCUMENTS/FACTS/ANNEXURES)

Date : 11-12-2023 These matters were called on for hearing today.

CORAM :
          HON'BLE MR. JUSTICE SANJIV KHANNA
          HON'BLE MR. JUSTICE S.V.N. BHATTI

For Petitioner(s)   Mr. Kaustav Paul, Sr. Adv.
                     Mr. Rishi Matoliya, AOR
                     Mr. Nikhil Kumar Singh, Adv.
                     Mr. Rajnish Sharma, Adv.
                     Mr. Raghuveer Pujari, Adv.
                     Ms. Sumati Sharma, Adv.

For Respondent(s)   Ms. Deepanwita Priyanka, Adv.
                     Ms. Swati Ghildiyal, AOR
                     Ms. Devyani Bhatt, Adv.

                     Mr. Bhadrish S Raju, Adv.
                     Mr. Tatsat A Bhatt, Adv.
                     Mr. Ajay Pandav, Adv.
                     Mr. Annam Venkatesh, AOR
                     Mr. Rahul Mishra, Adv.
                     Mr. Dhuli Shiva Shankar, Adv.

UPON hearing the counsel, the Court made the following
O R D E R

Leave granted.

The appeal is allowed and disposed of in terms of the signed order.

Pending application(s), if any, shall stand disposed of.

(BABITA PANDEY)   (R.S. NARAYANAN)
COURT MASTER (SH)   ASSISTANT REGISTRAR
             (Signed order is placed on the file)