

IN THE COURT OF 5th ADDITIONAL SESSIONS JUDGE, AHMEDABAD[R]

Criminal Misc. Application No.439 of 2026

Exh.

**Applicant/
Accused:**

Radhakrishna Madhukar Rav Duddhela

Aged about - 53 years, Occupation : Service,
Resident of : P-96/A, Street No.1, Main road,
Near Astalaxmi Temple, Telephone colony,
Kothapet, Sarurnagar, K.V.Rangareddy, Andhra Pradesh.

VERSUS

Opponent :

The State of Gujarat

to be served through

Learned District Government Prosecutor

at District & Sessions Court, Ahmedabad.

APPEARANCE

Learned Advocate for the applicants. : Mr. G. M. Parmar

Learned D.G.P. on behalf of the State. : Mr. P. M. Trivedi

Subject : Application for condition modification.

JUDGEMENT

- (1) The applicant has preferred this application under Section 483(1)(B) of the B.N.S.S., 2023, for modifying condition imposed by Hon'ble the High Court in order below Cri. Misc. Application No.17032 of 2025 that

the applicant shall not leave the territory of Gujarat without prior permission of the Trial Court concerned.

- (2) The applicant is accused in the case bearing FIR No.I-11191028221025/2022, lodged with Vejalpur Police Station, Ahmedabad for the offence punishable u/s. 302, 450, 120(B), 34 of Indian Penal Code and Section 135(1) of G.P. Act.. Where the applicant approached Hon'ble High Court for successive regular bail vide Cr.M.A. No.17032/2025. Which was granted by the Hon'ble High Court of Gujarat with certain conditions. Further it is mentioned in the order that the applicant shall not leave the territory of Gujarat State without prior permission of the concerned Trial Court. Where the High Court also imposed other conditions too but the applicant preferred temporary modification only for specific condition No.(i). Hence, the present application is preferred.
- (3) The learned Advocate for the applicant submitted that the applicant may be permitted to visit the place of his service as well as his residence situated in Madhya Pradesh and Andhra Pradesh respectively. It is further submitted that the applicant's aged mother is residing alone in Andhra Pradesh and his presence is required there. The learned Advocate further submitted that the charge-sheet has already been filed in the present case. He contended that, due to the

condition imposed by the Hon'ble High Court of Gujarat, the applicant faces difficulty in obtaining permission each time he needs to travel outside the State. Therefore, it is prayed that the said condition may either be modified or temporary permission may be granted. It is further urged that, considering the facts stated in the application, the applicant may be permitted to travel outside the State of Gujarat for a period of 45 days.

- (4) The Ld. DGP has opposed the application and state that application may be rejected. He has argued that once the applicant shall be permitted to leave the territory of Gujarat, he shall not come back. The grounds mentioned in the application suggests that the bail is not granted to uphold social relationship. Hence application given as a chance may be rejected.
- (5) I have heard the learned advocates for both sides and carefully perused the record of the case as well as the present application. The applicant is facing trial for the offence punishable under Section 302 and other allied provisions of law. It is an admitted position that the applicant has been granted regular bail by the Hon'ble High Court of Gujarat in Criminal Misc. Application No. 17032 of 2025, subject to certain conditions. In the present application, the applicant has prayed that the condition imposed by the Hon'ble High Court restricting him

from leaving the State of Gujarat may either be modified or temporary permission may be granted to him to leave the State. It is his request that he may be permitted to visit the place of his service at Madhya Pradesh and his residence at Andhra Pradesh for a period of 45 days. The applicant has also stated that his aged mother is residing alone at Andhra Pradesh and he desires to take care of her. The applicant is personally present before the Court and has orally submitted that he intends to engage a private advocate for conducting the trial, however, according to him he is presently not having sufficient financial means. He further submitted that he is not receiving salary from his department and therefore requires time to arrange his personal affairs and finances. However, it is pertinent to note that despite stating that he is unable to engage a private advocate due to financial constraints, the applicant is also not willing to avail the facility of free legal aid available through the Legal Services Authority. As a consequence, the proceedings at the stage of framing of charge are getting unnecessarily delayed. It is also relevant to note that the bail was granted by the Hon'ble High Court after considering all the relevant facts and circumstances of the case and the conditions were imposed consciously. Therefore, ordinarily this Court would not be justified in modifying or relaxing the conditions imposed by the Hon'ble High

Court. At the same time, considering the submissions made by the applicant regarding his personal circumstances and also keeping in view that the progress of the trial should not suffer, this Court is of the view that limited and temporary permission can be granted to the applicant to leave the territorial jurisdiction of the State of Gujarat for a specific period, subject to appropriate safeguards. Accordingly, I pass following order:

-: O R D E R :-

- (1) The present application is hereby partly allowed.
- (2) The order passed in Criminal Misc. Application No. 17032 of 2025 is modified to a limited extent with regard to condition No. (i) of the operative part of the said order. The restriction imposed upon the applicant not to leave the territorial jurisdiction of the State of Gujarat is hereby temporarily relaxed. Accordingly, the applicant, **Radhakrishna Madhukar Rav Duddhela**, is permitted to leave the territorial jurisdiction of the State of Gujarat for a period of 20 days from the date of this order, i.e., up to **02/04/2026**, subject to the following conditions:

CONDITIONS:

1. The applicant is permitted to leave the territorial jurisdiction of the State of Gujarat for a period of 20 days (as specified in

operational order) from the date of this order and shall return to the State of Gujarat before or on the day on which expiry of the said period.

2. The applicant shall furnish his complete residential address, contact number, and details of the places he intends to visit in the States of Madhya Pradesh and Andhra Pradesh before leaving the State of Gujarat before the court.
3. The applicant shall keep his mobile number active at all times during the said period and shall not change the mobile number without prior intimation to the concerned Investigating Officer and this Court.
4. During the said period, the applicant shall mark his presence once in every 15 days before the nearest police station of the place where he resides and obtain an acknowledgment of the same, which shall be produced before this Court upon his return.
5. The applicant shall file an undertaking before this Court stating that he will return within the stipulated period and shall remain present before the Court as and when required.
6. The applicant shall not misuse the liberty granted by this Court and shall not directly or indirectly influence, induce, or threaten any witness connected with the present case.

7. The applicant shall remain personally present before this Court on the first date of hearing immediately after the expiry of the permitted period.
8. It is clarified that this permission is granted only as a temporary relaxation and shall not be construed as modification of the bail conditions imposed by the Hon'ble High Court.

(3) Yadi to be served to concerned police station.

Signed & Pronounced in open Court today on this 13th day of March, 2026.

Date : 13/03/2026.

Place: Ahmedabad.

(Mr. Advait Surendra Vyas)
5th Additional Sessions Judge,
(Unique ID Code: GJ00709)