

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD****R/SPECIAL CRIMINAL APPLICATION NO. 397 of 2022****With****R/SPECIAL CRIMINAL APPLICATION NO. 449 of 2022**

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SUBHASHCHANDRA KANTILAL LASANIYA

Versus

STATE OF GUJARAT

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Appearance:

MR NK MAJMUDAR(430) for the Applicant(s) No. 1

MR RC KODEKAR(1395) for the Respondent(s) No. 2

MR PRANAV TRIVEDI, ADDL. PUBLIC PROSECUTOR for the
Respondent(s) No. 1

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CORAM:HONOURABLE MS. JUSTICE GITA GOPI**Date : 08/02/2022****ORAL ORDER**

1. Mr. N.K. Majmudar, learned advocate for the petitioner submitted that the present petitioner was arraigned as an accused as being valuer. Learned advocate for the petitioner submitted that the bank has its own valuer, and it is alleged that, on the valuation report, the term loan was sanctioned by the bank. Learned advocate for the petitioner submitted that at present the petitioner is desirous to go to USA to meet his daughter and son-in-law who are residing at 61, Osprey Road, Beckley, Wv-25802, USA for a period of six months.

1.1 Learned advocate for the petitioner states that at present there is no likelihood of any framing of charge since the CBI has also lodged a third matter and the statement of the present petitioner was recorded, and many more statements are yet to be recorded, and therefore, he submitted that the



prayer of the petitioner for a period of six months to visit the USA may be granted. Learned advocate for the petitioner submitted that, as and when the necessity arise the petitioner will make himself available before the trial court and he would reach within reasonable time and would appear before the trial court.

2. Mr. R.C.Kodekar, learned counsel appearing for the respondent No.2-CBI relied on the reply filed and on the observations made by the court below rejecting the temporary bail application submitted that, if the petitioner could not appear before the court then the trial may suffer, and he further stated that the petitioner has not co-operated with the investigating agency. Learned counsel for the CBI further stated that the allegations are against the petitioner and his son of cheating the Punjab National Bank and therefore has strongly opposed the modification/suspension of the bail condition.

3. The prayer is made for suspension of condition No.4 imposed by the trial court in the order dated 07.04.2021 passed below Exh.1 in CBI Criminal Misc. Application Nos. 32 and 33 of 2021 praying for the passport to permit him to visit USA for a period of six months. Taking into considering the submissions made by both the sides, and as per the CBI, the further investigation is going on in connection with CBI Case No.RC-09(A)/2018-GNR and the statement of the petitioner has been recorded and the fact that the petitioner has his roots in India, the condition No.4 imposed by the trial court in the order dated 07.04.2021 passed below Exh.1 in CCBI Criminal Misc. Application Nos. 32 and 33 of 2021 in both the petition



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stands suspended for a period of six months. The passport be handed over to the petitioner and is permitted to visit USA on condition to deposit a sum of Rs.1,00,000/- in each of the matter before the trial court, and on return from USA, the petitioner shall re-deposit the passport within a week before the concerned trial court and necessary undertaking be filed before the trial court to that regard. The petitioner is also directed to submit itinerary, residential address of his stay in USA and contact number be submitted to the trial court as well as the Investigating Officer before leaving India.

4. With the aforesaid observations and directions, the applications are disposed of. Direct service is permitted.

A.M.A. SAIYED

(GITA GOPI,J)