

Exh. : 6

**IN THE COURT OF 3RD ADDITIONAL SESSIONS JUDGE,
AT : GANDHINAGAR**

CRIMINAL MISC. APPLICATION NO.1205 OF 2025

APPLICANT:

1. MANHARBHAI AMBALAL PATEL
AGE : ABOUT 64 YEARS,
OCCUPATION : AGRICULTURE,
ADDRESS : VILLAGE : PALAIYA,
TAL. : DAHEGAM, DIST. : GANDHINAGAR.

VERSUS

OPPONENT:

1. STATE OF GUJARAT

APPEARANCE:

MR.G.H.PARMAR: LEARNED ADVOCATE FOR APPLICANT.
MR.S.S.PANDYA: LEARNED ADDITIONAL PUBLIC
PROSECUTOR FOR OPPONENT - STATE.

J U D G E M E N T

[1] The applicant has filed this application for getting his passport and for permitting him to visit America (United States of America - USA).

[2] The offence against the present applicant was registered vide FIR bearing C.R.No.5 of 2018 registered with ACB Police

Station, Gandhinagar for the offences under Section 7, 12, 13(1)(d) and 13(2) of the Prevention of Corruption Act, 1988. The applicant has been released on regular bail in Criminal Misc. Application No.7616 of 2018 vide order dated 25.04.2018 by Hon'ble Gujarat High Court. Further, the applicant has surrendered his passport, before the concerned trial court.

[3] The notice was issued to other side. Learned APP representing the State, has appeared before the Court and the I.O. has filed objections vide Ex.4.

[4] Learned advocate for the applicant has contended that the applicant is required to visit America (USA) for upbringing his grandson. Therefore, the applicant has prayed that he may be permitted to visit America from 01.09.2025 to 30.12.2025 and also be permitted to retain his passport, during the said period. It is also contended that previously also, the applicant was allowed to visit abroad and to retain his passport, by the Hon'ble Court.

[5] Learned APP has appeared on behalf of the State and has objected the application, it is submitted that if the applicant will be permitted to visit abroad and will be given his

passport, he will flee away from trial and it will be difficult to procure his presence, during the trial. Therefore, the application may be rejected.

[6] After considering rival submissions, and considering the facts of the application, I am of the view that the application is required to be allowed. Hence, following order is passed:

O R D E R

1. The application stands allowed.
2. The applicant is permitted to visit America (USA) from 01.09.2025 to 30.12.2025 and also permitted to retain his passport, from the date of this order, during the said period.
3. The applicant shall deposit the amount of Rs.2,00,000=00 (Rupees Two Lacs only) before the Nazir of the District Court, Gandhinagar as security deposit.
4. After deposition of amount of security deposit, the Nazir is directed to return passport to the applicant, on proper verification.
5. The applicant shall also file detailed affidavit, containing itinerary of tour, address and his contact number of abroad.
6. The applicant, on his return to India, shall deposit the his passport before the concerned court, on or before 05.01.2026 and get receipt to that effect.

7. The applicant will be at liberty to withdraw the amount of deposit on production of receipt of Muddamal-Passport before the office of Nazir of the District Court, Gandhinagar.
8. If the applicant fails to return, the said amount shall be utilized to bring him back.
9. Necessary yadi be sent to the concerned Trial Court and to the Nazir, District Court, Gandhinagar and to the concerned Investigation Officer / police station, forthwith.

Signed and Pronounced in open Court on 22nd day of August, 2025.

Date:22/08/2025
Place:Gandhinagar

[Sanjivkamal Vedprakash Sharma]
3rd Additional Sessions Judge,
Gandhinagar.
[Code No.:GJ00536]