

**IN THE COURT OF 2nd ADDITIONAL SESSIONS JUDGE
& SPECIAL JUDGE (POCSO), AT GANDHINAGAR**

Exh. 9

CRIMINAL MISC. APPLICATION NO. 402 OF 2026

Applicant:-

1. Rameshbhai Raghubhai Desai
Age:- 46 Yrs., Occupation:- Business,
Residing at B-9, Prahlad Park,
Subh Laxmi Soc., B/h. Chandkheda
Railway Station, Jagatpur,
Chandkheda, Ahmedabad.

Vs.

Opponent:-

1. The State of Gujarat
Through O/o Dist. Govt. Pleader,
District Court, Gandhinagar.

Subject:- Application U/s. 439(1)(b) of Cr.P.C. for retaining
passport for the purpose of foreign visit.

Appearance:

Ms. S.K.Tripathi, Learned advocate for the
applicant.

Mr. H.N.Raval, Learned D.G.P. for the State.

:: J U D G E M E N T ::

1. This application is filed by the applicant with a prayer
to retain his passport no. W2615094 for travelling

foreign country Malaysia for the purpose of his business in the month of April 2026 and thereby modify the condition Nos. (5) and (6) imposed in the bail order passed by the then Additional Sessions Judge, Gandhinagar in Criminal Misc. Application no. 318 of 2024 dated 12.03.2024.

2. The applicant is facing the charge under Section 143, 147, 294(b), 323, 354(a)(1) and 506(2) of the Indian Penal Code, under Section 11 and 12 of The Protection Of Children from Sexual Offences Act, 2012 (In short 'POCSO Act') and under Section 135(1) of the G.P.Act registered with Chandkheda Police Station, vide Ist C.R. No. 11191008240060 of 2024. The applicant is released on anticipatory bail by the then Additional Sessions Judge, Gandhinagar vide Cr.M.A. no. 318/2024 dated 12.03.2024 wherein as per condition Nos. (5) and (6), the applicant is directed not to leave the country India without prior permission of the Court and directed to surrender his passport before the concerned IO.
3. On service of notice, Learned D.G.P. Mr. H.N.Raval representing the State, has appeared before this Court and the IO has submitted his objections vide Exh. 4.
4. The learned advocate Ms. S.K.Tripathi appearing on behalf of the applicant has submitted applicant runs a business in the name of 'Shiv Traders' of providing

building materials viz. Cement, Sand and aggregates. The applicant has surrendered his passport before the concerned IO vide muddamal receipt No. 64/2024 dated 16.03.2024. It is submitted that applicant intends to travel for business trip to Malaysia tentatively on 06.04.2026. The applicant has been selected for this business trip by Adani Cement and at Malaysia he will be staying at Grand Continental Kuala Lumpur Wyndhan Lon Magestic Hotel. The applicant has produced the copy of his passport vide Mark 3/5 wherein the passport of the applicant is valid until 04.07.2032. The applicant has produced the letter issued by Adani Cement vide Mark 3/6 wherein the company has stated that applicant's Shiv Traders is their dealer and they are taking him for business trip at Malaysia in April 2026 and asked him to keep this passport ready. It is submitted that in the alleged offence Special (POCSO) Case No. 8/2025 is pending before this Court and applicant is released on anticipatory bail vide Cr.M.A. No. 318/2024 dated 12.03.2024 by the then learned Additional Sessions Judge, Gandhinagar. It is submitted that till date the applicant has not violated any of the bail conditions. It is lastly prayed that the applicant be permitted to retain his passport for a period of 30 days with the permission to travel abroad i.e. Malaysia, in the month of April-2026.

5. Learned D.G.P. Mr. H.N.Raval has resisted the application and contended that if the applicant is permitted to retain his passport he would flee away from the proceedings of law and will not appear before the Court.

6. Read the application. Heard learned advocates for the respective parties. It transpires that in the alleged offence applicant is released on anticipatory bail vide Cr.M.A. No. 318/2024 dated 12.03.2024 by the then learned Additional Sessions Judge, Gandhinagar and the Special (POCSO) Case No. 8/2025 is pending before this Court. The applicant has produced copy of his passport no. W2615094 vide Mark 3/5 wherein the name of applicant is mentioned and its valid until 04.07.2032. The applicant in his application has mentioned that he will be staying at Grand Continental Kuala Lumpur Wyndhan Lon Majestic Hotel during his stay at Malaysia. The applicant has produced the letter issued by Adani Cement vide Mark 3/6 wherein the company has specifically stated that applicant's company 'Shiv Traders' are their dealers and are taking him for business trip to Malaysia in April-2026. Till date no instance of any bail condition violation made by the applicant, is shown by the IO or complainant. So, considering the facts and circumstances, in the interest of justice present application is hereby allowed and following order is passed:-

:: ORDER ::

1. The application hereby stands allowed.
2. The applicant is permitted to retain his passport No. W2615094 from the date of order till he returns back to India from his trip to Malaysia and/or till 25.04.2026, whichever is earlier.
3. The applicant is ordered to deposit a sum of Rs. 2,00,000/- (Rupees Two Lakh Only) to the office of Nazir, District Court, Gandhinagar, forthwith.
4. The concerned IO, is hereby directed to handover applicant's passport to the applicant on his proper verification and identification and upon production of receipt of sum deposited in the office of Nazir, District Court, Gandhinagar.
5. The Passport of applicant is ordered to be released only for the purpose to travel abroad i.e. Malaysia.
6. The applicant on his return to India, shall surrender his passport before the concerned IO within two days from his arrival in India and/or before 25.04.2026, whichever is earlier, and get certificate to that effect.
7. The applicant is at liberty to withdraw the amount of deposit on production of receipt of Muddamal-Passport before the office of Nazir, District Court, Gandhinagar.

8. Yadi be sent accordingly to all the concerned, forthwith.

Signed and pronounced in the open Court on this 25th day of March, 2026.

Dated: 25/03/2026

[Sanjivkamal V.Sharma]
GJ00536

Place:-Gandhinagar

2nd Additional Sessions Judge &
Special Judge (POCSO)
Gandhinagar

//S.A.//

