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Duration	Day(s)	Month(s)	Year(s)

**IN THE COURT OF THE HON'BLE 6th
ADDITIONAL SESSIONS JUDGE, SURAT.**

**CRI. MISC. APPLICATION No. 1424 of 2026
Exh.**

Sr. No.	Name of The applicant	Age	Occupation
	Maheshbhai Sagarbhai Rathi, Resident of, D/314, Ratnashyam Residency, Althan, Surat.	39 years	Business
V/s			
Sr. No.	Name of The Opponent	Age	Occupation
	The State of Gujarat Through District Government Pleader, Surat	-	-

Sub :- Application under the provisions of Section 439 (1) (B) of The Code of Criminal Procedure, 1973 for modification of bail order.

Appearance :-

Ld. Advocate for the applicant :- Mr. K. P. Reshamwala.

Ld. A. P. P. for the opponent :- Mr. R. P. Dobariya

:- Judgment :-

- The applicant has filed the present application under the provisions of section 439 (1) (B) of The Code of Criminal Procedure, 1973 (herein after referred as "The Code" for short) inter – alia praying for modification of the bail order i.e. condition mentioned in relieves clause, by modifying

condition No. (C) and (D) imposed by Hon'ble The High Court of Gujarat in Cr. MA No. 7045 of 2013 while enlarging him on bail and handing over his passport for the period from 01/03/2026 to 10/05/2026 as he wants to go foreign countries for the purpose of his business and also wants to attend the marriage on 09/03/2026 and 10/03/2026 at Vietnam and on 15/04/2026 wants to go to China to attend Canton Fair.

2. The learned advocate for the applicant has submitted that, the applicant is an accused in connection with the offense registered as Part-A - C. R. No. 11210015220240/2022, registered with D.C.B. Police Station for the alleged commission of the offenses punishable under the provisions of sections 409, 465, 467, 468, 471, 420, 120B of the Indian Penal Code, 1860 (herein after referred to as "The IPC" in short). The applicant had filed an application before Hon'ble The High Court, inter alia, praying for grant of regular bail, which was registered as Cri. Misc. Application No. 7045/2013. The said application came to be allowed on 09/06/2023 by Hon'ble The High Court of Gujarat by imposing certain conditions, which includes not to leave territory of India without the permission of the Sessions Judge and to surrender the passport before the Trial Court. The applicant has deposited his passport before The Id. Trial Court in compliance of the order of High Court of Gujarat. It is submitted that, the applicant is having import and export business and for which the applicant wants to go to Dubai for business purpose and to attend a Marriage at Vietnam and to attend Canton Fair at China from 01/03/2026 to 10/05/2026 and therefore, the applicant require his passport therefore, has

filed the present application inter alia praying for grant of relieves as prayed for in the application.

3. This court has issued notice to the opponent, which was duly served upon it and in pursuance to the same, the ld. A.P.P. for the opponent has appeared before this court and has filed report of the investigation officer vide exh. 4, wherein, the opponent has objected to grant of the application by expressing its apprehension that, if the application of the applicant is granted than, the applicant will flee from the justice and will settle in the other country and hence prayed for rejection of the application.
4. Thereafter, ld. advocates for the respective parties have made their oral submissions in tune with their rival contentions.
5. I have carefully gone through the contentions raised by the parties as well as rival submissions advanced by them along with documents produced by the applicants, it appears that, the applicant was released on regular bail by imposing certain conditions including not to leave territory of India and deposition of his passport. The applicant has, in compliance of said conditions, deposited the passport. I have also gone through the judgment of Hon'ble The High Court and earlier orders passed by Hon'ble The Sessions Court. The court has, on earlier occasions, given custody of the passport to the applicant and thereafter, there is nothing on record that, the applicant has breached the order and thus, considering the conduct of the applicant and allowing of the prayer of the applicant by imposing certain conditions would take care of interest of both prosecution as well as the accused herein and thus, in view of the aforesaid discussions, following order is

passed.

ORDER

1. The application filed by the applicant is hereby partly allowed.
2. The application qua the applicant is hereby partly allowed and The Id. Trial Court is hereby directed to hand over the original passport to the applicant for the purpose as mentioned in the application for the period from 10.03.2026 to 10.05.2026, with subject to following conditions.

Conditions : -

1. The applicant shall deposit an amount Rs. 2,00,000/- (Rupees Two lacs Only) as cash surety deposit in lieu of his passport and shall also furnished person bond of Rs. 25,000/- along with surety of like amount to the satisfaction of The Id. Trial Court.
2. The applicant is permitted to keep the passport with him till expiry of aforesaid period and till that date, he shall not withdraw amount of cash surety deposited by him.
3. The applicant is directed to submit his travel itinerary before The Id. Trial Court and investigating officer on or before actual receipt of passport along with copy of tickets.
4. After expiry of above period, the applicant shall redeposit / re surrender his original passport/s with the Concerned Court within a period of three working days without fail, failing which, his bail bond shall stand canceled automatically and cash surety shall liable to forfeited to the Government.
5. On re-surrendering or redepositing the original passport, The Concerned court shall return the amount of deposit of Rs. 2,00,000/- (Rupees Two Lac Only) to the applicant as

deposited by him as cash surety deposit in pursuance of this order, after proper identification and verification.

6. The other remaining conditions imposed on the bail order shall remain unaltered and as it is.
7. The applicant is directed to see that the trial of the case would not suffer due to his above absence.
8. This order be intimated to The Concerned Trial Court as well as Investigating officer or concerned Station In Charge of The Concerned Police for information and necessary action.

Order is passed and pronounced in Open Court on
This 09th Day of March, 2026.

Date :- 09/03/2026

Place :- Surat

Hiteshkumar Mukundray Vyas
6th Addl. District & Sessions Judge, Surat.
Judge Code No. GJ00834

PHS