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Decided on	09/03/2026
Duration	Day : Month : Year

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

**CRI. MISC. APPLICATION No. 1435 of 2026
Exh.**

Sr. No.	Name of The Applicants	Age	Occupation
1)	Jaimin Sureshbhai Dobariya, Resident of, 58, Param Row- house, Nr. Adajan Swaminarayan Temple, Adajan, Surat. Originally at, Village - Jejad, Taluka - Savarkundala, District - Amreli.	29 years	Business
2)	Shwetul Sureshbhai Dobariya, Resident of, As above.	24 years	Business
3)	Harsh @ Kano S/o Rameshbhai Patel, Resident of, Flat No.A-1001, S- Tone Homes, New Gauravpath Road, Pal, Surat. Originally at, Vill. - Kotada, Tal. - Anjar, District - Kuchha.	24 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 483 (1) (B) of The Bharatiya Nagarik Suraksha Sanhita, 2023 for modification of bail order.

Appearance :-

Ld. Advocate for the applicants :- Mr. N. M. Vaghasia

Ld. A. P. P. for the opponent :- Mr. T. A. Pancholi.

:- Judgment :-

1. The applicants have filed the present application under the provisions of section 483 (1) (B) of The Bharatiya Nagarik Suraksha Sanhita, 2023 (herein after referred as "The BNSS" for short) inter – alia praying for modification of the bail order by granting permission to get back their passports for visa purpose as mentioned in relieves clause, by modifying condition No. 3 and 4 imposed by the Hon'ble The 6th Additional District & Sessions Judge, Surat in Cr. M. A. No. 4381/2025 along with permission to leave India, while enlarging him on regular bail.
2. The learned advocate for the applicants has submitted that, the applicants are accused in connection with the offense registered as I - C. R. No.11210003250543/2025 , registered with Adajan Police Station for the alleged commission of the offenses punishable under the provisions of sections 294, 338, 61(2), 3(5) of The Bharatiya Nyaya Sanhita, 2023 (herein after referred to as "**The BNS**" in short). The applicants had filed an application inter alia praying for grant of regular bail, which was registered as Cri. Misc. Application No. 4381/2025. The said application came to be allowed by Hon'ble The 6th Additional District & Sessions Judge, Surat by imposing certain conditions, which includes deposition of passports. The applicants have deposited their passports no. Z6663821, S7169184, and T2352384 vide Article No. 37/2026 before The Id. Trial Court in compliance

of the order of Hon'ble Court. It is submitted that, the applicants/accused wants to get their passports No. Z6663821, S7169184, and T2352384 for the visa purpose and thereafter, wants to go Phuket - Thailand to shoot videos for the perfume brand for business purpose and therefore, has filed the present application inter alia praying for grant of relieves as 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. APP 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 passports of the applicants are given than, the applicants will flee from the justice and will not remain present before the ld. Trial court and hence prayed for rejection of the application.
4. Thereafter, ld. advocate for the respective parties have made his oral submissions in tune with their rival contentions. 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 applicants were released on regular bail by imposing certain condition including deposition of their passports. The applicants have, in compliance of said conditions, deposited their passports before The concerned Court. Thus, considering the conduct of the applicants and earlier order passed by The Sessions Court and allowing of the prayer of the applicants 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 applicants is hereby partly allowed and passports of the applicants as mentioned in the application be given to the applicants for visa purpose and to visit foreign countries as mentioned in the relieve clause for period from 10/03/2026 to 30/05/2026, subject to following condition.

Conditions : -

1. Each applicants shall deposit an amount Rs. **2,00,000/- (Rupees Two lac Only)** as cash surety deposit in lieu of their passport along with personal bond of Rs. 20,000/- along with surety of like amount to the satisfaction of The Id. Trial Court.
2. The applicants are permitted to keep the passport with them till expiry of aforesaid period and till that date, they shall not withdraw amount of cash surety deposited by them.
3. The applicants are directed to submit their travel complete itinerary before obtaining the passports before The Id. Trial Court concerned and concerned Police Station.
4. After expiry of above period, the applicants shall redeposit / re surrender their original passport with the Concerned Court within a period of three working days without fail, failing which, their bail bond shall stand canceled automatically and cash surety shall be forfeited to the Government without any further notice.
5. On re-surrendering or redepositing the original passport/s, The Concerned court shall return the amount of deposit of

Rs. 2,00,000/- (Rupees Two lac Only) to the applicants as deposited by them as cash surety deposit in pursuance of this order, after proper identification and verification.

6. The other remaining conditions imposed in the bail order shall remain unaltered and as it is.
7. The applicants are directed to see that the trial of the case would not suffer due to his above absence.
7. 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 9th Day of March, 2026.

Date :- 09/03/2026

Hiteshkumar Mukundray Vyas

Place :- Surat

6th Addl. District & Sessions Judge, Surat.

Judge Code No. GJ00834

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