

GJVD070001302026 	Presented on	09/02/2026		
	Registered on	09/02/2026		
	Decided on	05/03/26		
	Duration	D	M	Y
		24	00	00

**IN THE COURT OF THE ADDITIONAL CHIEF
JUDICIAL MAGISTRATE AT DABHOI.**

**Ta.Dabhoi, Di.Vadodara.
CRMA NO. 44 OF 2026
EXH. ___**

APPLICANT

	<u>Age</u>	<u>Occupation</u>
1. Tusharbhaj Subhashbhaj Patel	Adult	Business

R/O: Shreeji Apartment, Near
Reva Park, Waghodiya Road,
Vadodara.

Versus

OPPONENT

The State of Gujarat

	<u>Age</u>	<u>Occupation</u>
	-	-

APPEARANCE :-

Mr. J.Y. Pathan - Learned Advocate for the Applicant.

Learned APP for the State.

=====

APPLICATION FOR INTERIM CUSTODY OF PASSPORT

=====

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

- 1]. The present application is preferred by the applicant seeking permission/N.O.C. from this Court in respect of renewal of his passport. It is averred in the application that

the applicant is arraigned as an accused in connection with C.R. No. 34/2018 registered with Dabhoi Police Station for the offences punishable under Sections 406, 420, 465, 467, 468, 471 and 114 of the Indian Penal Code. The said FIR has culminated into Criminal Case No. 957/2020, which is presently pending before the competent Court. It is further averred that the applicant was enlarged on bail by the Ld. Sessions Court, Vadodara vide order dated 09/04/2018 passed in Criminal Misc. Application No. 757/2018. It is further stated that the applicant was holding Passport No. J3990162 issued on 06/10/2010, the validity whereof expired upon completion of its term. Thereafter, the applicant applied for renewal and pursuant thereto, Passport No. AF357822 came to be issued for the period from 09/09/2025 to 08/09/2035. However, thereafter, the Regional Passport Office, Ahmedabad informed the applicant vide communication dated 04/10/2025 that since the aforesaid criminal case is pending, he is required to obtain permission / appropriate orders from this Court. Pursuant to such communication, the applicant deposited his original passport before the Regional Passport Office, Ahmedabad on 17/10/2025 and has therefore approached this Court by way of the present application seeking necessary permission / N.O.C.

- 2]. In support of this request, the applicant has submitted copy of the orders passed under application being CRMA No. 757/2018 vide Mark - 2(1) a copy of new passport bearing No. AF357822, a copy of letter issued by the Regional

Passport Office, Ahmedabad at Mark - 2(2) and copy of certificate for surrendering original passport at Mark 2(3).

- 4]. It is required to be noted that while granting bail to the applicant vide order dated 09/04/2018 in Criminal Misc. Application No. 757/2018, the Ld. Sessions Court, Vadodara had not imposed any condition directing the applicant to deposit his passport before the Trial Court. However, pursuant to communication dated 04/10/2025 issued by the Regional Passport Office, Ahmedabad, the applicant has been directed to obtain appropriate permission / orders from this Court on account of pendency of the aforesaid criminal case. Hence, the applicant has approached this Court seeking necessary permission / N.O.C. for renewal of his passport.
- 5]. At this juncture, it will be beneficial to refer to the OM issued by the Ministry of External Affairs dtd. 10.10.2019 which reads as under:

"2. GSR 570(E) dated 25.08.1993 is reproduced below for reference:

GSR 570(E)- In exercise of the powers conferred by clause

(a) of section 22 of the Passport Act, 1967 (15 of 1967) and in supersession of the notification of the Government of India in the Ministry of External Affairs No.GSR 298(E) dated the 14th April, 1976, the Central Government, being of the opinion that it is necessary in public interest to do so, hereby exempts citizens of India against whom proceedings in respect of an offence alleged to have been committed by them are pending before a criminal court in India and who produce orders from the court concerned permitting them to depart from India from the operation of the provisions of Clause (f) of sub-section. (2) of Section 6 of the said Act, subject to the following conditions, namely section 6 of the said Act, subject to the following conditions, namely

(a) the passport to be issued to every such citizen shall be issued -

(i) for the period specified in order of the court referred to above, if the court specifies a period for which the passport has to be issued; or

(ii) if no period either for the issue of the passport or for the travel abroad is specified in such order, the passport shall be issued for a period of one year,

(iii) if such order gives permission to travel abroad for a period less than one year, but does not specify the period validity of the passport, the passport shall be issued for one year,

(iv) if such order gives permission to travel abroad for a period exceeding one year, and does not specify the validity of the passport, then the passport shall be issued for the period of travel abroad specified in the order."

- 8]. In view of the relevant Office Memorandums issued by the Ministry of External Affairs, where a criminal case is pending, the Passport Authority may issue or renew a passport subject to the permission of the concerned Court. Considering the facts of the present case, the applicant having been enlarged on bail since 09/04/2018, there being no condition imposed for deposit of passport, and no breach of any bail condition having been reported till date, this Court is of the view that grant of permission / N.O.C. for renewal of passport would not prejudice the trial proceedings. Accordingly, the applicant deserves to be granted permission in respect of renewal of his passport bearing No. AF357822.
- 9]. Further, considering that the present application is confined only to seeking permission / N.O.C. for renewal of passport and not for travelling abroad, and in absence of any material indicating likelihood of misuse of liberty, this Court finds it appropriate to allow the application. The

Passport Authority shall be at liberty to renew / continue the passport of the applicant in accordance with rules, subject to any further conditions that may be imposed by this Court, and subject to the pendency of Criminal Case No. 957/2020.

-:: ORDER ::-

- (1) The present application is hereby allowed.
- (2) The applicant is granted permission / N.O.C. for renewal of his passport bearing No. AF357822, during the pendency of Criminal Case No. 957/2020 arising out of C.R. No. 34/2018 registered with Dabhoi Police Station.
- (3) The Regional Passport Office, Ahmedabad is permitted to process and renew/continue the passport of the applicant in accordance with law and applicable rules.
- (4) The present permission is granted subject to the condition that the applicant shall not misuse the liberty so granted and shall strictly comply with all the conditions imposed upon him while granting bail vide order dated 09/04/2018 passed in Criminal Misc. Application No. 757/2018.
- (5) The applicant shall not leave India without prior permission of the concerned Court during the pendency of the aforesaid criminal case.

- (6) It is clarified that grant of present permission/N.O.C. shall not be construed as permission to travel abroad and the applicant shall obtain separate prior permission from the competent Court, if so required.
- (7) The Passport Authority shall make appropriate endorsement, if required under rules, regarding pendency of Criminal Case No. 957/2020.
- (8) The applicant shall deposit an amount of Rs.1,00,000/- (Rupees One Lakh Only) before the Ld. Trial Court within a period of 7 days from the date of this order, as security. The said amount shall be subject to final outcome of Criminal Case No. 957/2020 and shall be liable to forfeiture in case of breach of any condition imposed by this Court.
- (9) Yadi be sent to all concerned.

Signed and Pronounced in the open Court today on this **5th** day of the month of **March, 2026**.

Place – Dabhoi.
Date- 05/03/2026

[Mrs. Krishna Sudhir Khanna]
Additional Chief Judicial Magistrate
Taluka:Dabhoi.
Code No.:GJ00884

M.A.Shaikh