

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CRIMINAL APPLICATION (QUASHING) NO. 4622 of 2026**

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ASHOKBHAI HARIKRUSHNA SONI
Versus
STATE OF GUJARAT

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Appearance:

NIGAM D SONI(9314) for the Applicant(s) No. 1

MR. MEET THAKKAR, APP for the Respondent(s) No. 1

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CORAM:HONOURABLE MR. JUSTICE M. R. MENGDEY

Date : 07/04/2026**ORAL ORDER**

1. By filing the present petition under Articles 226 and 227 of the Constitution of India, the petitioner herein is challenging the order dated 02.03.2026 passed by the learned Principal Civil Judge & Judicial Magistrate First Class, Bavla below Exhibit-76 passed in Criminal Case No.399 of 2014 whereby the application submitted by the petitioner for permission to travel to Canada has been rejected.

2. Rule. Learned APP waives service of Rule on behalf of the respondent-State.

3. Learned Advocate appearing for the petitioner submits that the petitioner is an accused of an offence punishable under Sections 465, 466, 468, 471, 120B and 34 of the IPC. The charge-sheet came to be filed against the petitioner in the year 2014. However, after filing of the charge-sheet, there is no progress in the trial. The entire family of the petitioner is residing in Canada and the petitioner is desirous to travel Canada to meet his family. The

application was filed before the learned Trial Court seeking permission to travel abroad came to be dismissed by the learned Trial Court vide impugned order. He, therefore, submitted to allow the present petition and permit the petitioner to travel to Canada for a period of Three months subject to suitable conditions.

4. Learned APP has opposed the present petition contending that there is a reasonable apprehension that if the petitioner is permitted to travel Canada, he may not be returned back to India to face the trial, and therefore, the learned Trial Court has rightly rejected the application submitted by the petitioner. He, therefore, submitted to dismiss the present petition.

5. Heard learned Advocates for the parties. From the record, it appears that the FIR in question was lodged in the year 2013 whereas the charge-sheet came to be filed against the petitioner in the year 2014 and since then, the case is pending and trial does not appear to have commenced. The petitioner wants to travel Canada for a period of Three months to visit his family who is staying there. Having regard to the cause shown in the petition, the petition deserves consideration subject however, to deposit the amount of Rs.3,00,000/- before the learned Trial Court. Upon deposit of the amount of Rs.3,00,000/-, the passport of the petitioner shall be handed over to the petitioner. The petitioner is also permitted to travel abroad for a period of Three months from today. However, before traveling abroad, the petitioner shall furnish detailed travel itinerary to the learned Trial Court. The amount of Rs.3,00,000/- be deposited by the petitioner shall be refunded to the petitioner upon his return to India and re-surrender of his passport. Rule is made absolute to the aforesaid extent.

(M. R. MENGDEY,J)

RAVI OZA