

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CRIMINAL APPLICATION (QUASHING) NO. 6316 of 2026**

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RAJUBHAI AMRATBHAI DESAI
Versus
STATE OF GUJARAT

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Appearance:

MR TUSHAR CHAUDHARY(5316) for the Applicant(s) No. 1
MR H.K.PATEL, APP for the Respondent(s) No. 1

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CORAM:HONOURABLE MR. JUSTICE M. R. MENGDEY**Date : 04/05/2026****ORDER**

1. Present Petition is preferred by the Petitioner under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, seeking quashing of impugned order dated 28.2.2026 passed by 2nd Additional Civil Judge, Kalol & order passed by 4th Additional Sessions Judge, Gandhinagar at Kalol in Criminal Revision Application No.7 of 2026 dated 16.4.2026.

2. Heard learned Advocate for the petitioner and learned APP on behalf of the Respondent - State.

3. Rule. Learned APP waives service of notice of Rule on behalf of the Respondent – State.

4. Learned advocate for the petitioner submitted that the petitioner was ordered to be enlarged on Anticipatory Bail by order of this court dated 22.4.2025 passed in Criminal Misc. Application No.1065 of 2025. While ordering the petitioner to be enlarged on Anticipatory Bail, a condition was imposed by this court for deposit of his passport, which accordingly had been deposited by the petitioner. The petitioner had thereafter obtained Visa for Canada and is also desirous of obtaining Visa for his family members and for

the said purpose he needs his passport back for a period of four months. The petitioner had preferred an application before learned trial court for the said purpose, which was dismissed by learned trial court, against which the Revision Application was also preferred which also came to be dismissed by the impugned order. Therefore, the petitioner had approached this court. He further submitted that the passport of the petitioner shall be released for a period of four months upon usual terms and conditions.

5. Learned APP has opposed the present petition.

6. This Court has considered the submissions canvassed by learned advocate for the parties and has also perused the material placed on record. Having regard to the cause shown in the petition, the petition is allowed. The impugned order dated 28.2.2026 passed by 2nd Additional Civil Judge, Kalol & order passed by 4th Additional Sessions Judge, Gandhinagar at Kalol in Criminal Revision Application No.7 of 2026 dated 16.4.2026, are hereby quashed and set aside. Rule is made absolute.

7. The passport of the petitioner shall be returned to him for a period of four months, commencing from today, for the purpose of obtaining Visa to Canada for his family members. The petitioner shall deposit an amount of Rs.1,00,000/- (Rupees One Lakh) towards security deposit for the release of his passport, which shall be refunded to the petitioner upon re-surrendering of his passport.

Direct service is permitted.

Manshi

(M. R. MENGDEY,J)