

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CRIMINAL APPLICATION (QUASHING) NO. 7619 of 2026**

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HITEN RAMESHBHAI VASANT
Versus
STATE OF GUJARAT & ANR.

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Appearance:
IG JOSHI(8726) for the Applicant(s) No. 1
ROHAN RAVAL APP for the Respondent(s) No. 1

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CORAM:HONOURABLE MR.JUSTICE P. M. RAVAL**Date : 02/06/2026****ORAL ORDER**

1. Issue Rule. Learned APP waives service of Rule for Respondent State. By consent, Rule is fixed forthwith.

2. By virtue of the present application, the applicant-accused has prayed for releasing his passport and to allow him to leave the territory of India from 04.06.2026 to 27.06.2026 in connection with the matter arising out of FIR bearing I-CR No. 39/2019 registered with Vivekanand Police Station for the offences punishable under Section 465,467,468,471,120(B) and 114 of the Indian Penal Code. It has been averred that the present applicant was enlarged on anticipatory bail in connection with the aforesaid offences by Hon'ble High Court of Gujarat vide order dated 27.08.2020 passed in Criminal Misc. Application No. 23323 of 2019 upon certain conditions, whereby, condition no. (f) is to the effect that " not leave India without permission of the Court and if having passport shall deposit the same before the Trial Court within a week" and in compliance of the said condition, the

applicant had deposited his passport before the Nazir of Trial Court. It has been averred that the present applicant is engaged in Transport business and is also running an NGO. Due to which, time and again, he has to travel abroad. It has been averred that in the present offence, the investigating officer, has not submitted charge sheet till today. It has been further averred that the applicant – accused intends to travel to abroad between 04.06.2026 to 27.06.2026 for touring with his family, for which, he is in need for his passport. It has been averred in the present application that earlier also, his passport was released for temporary period and he was granted permission to travel abroad, but, he never misused any liberty granted in his favour and has complied with terms and conditions imposed by the hon'ble High Court. With these submissions, it has been prayed that present application may be allowed.

2. Ld. Advocate for the applicant – accused has argued as per the averments made in the present application.

3. On the other hand, learned APP has vehemently opposed the present application on account of gravity and seriousness of the offence as well as apprehension that the applicant – accused will not return back to India to face his trial.

4. Heard learned Advocates for the respective parties and have also gone through the entire case papers.

5. At the outset, it is worthwhile to mention here that the applicant – accused is praying for modifying the condition for

the purpose of visiting abroad for touring with his family between 04.06.2026 to 27.06.2026. No doubt the present case has been registered against him, yet a cardinal rule of criminal jurisprudence is that he is presumed to be innocent till convicted. It is also worthwhile to mention here that earlier the applicant – accused was permitted to travel abroad, but, no incident has been brought to the notice of this Court that he has breached any conditions imposed upon him and / or has either taken undue advantage of his liberty or acted in any manner injurious to the interest of the prosecution. In these circumstances keeping in view the overall facts and circumstances, the present application deserves to be allowed and following order is passed in the interest of justice.

6. The present Application is hereby allowed. It is hereby ordered that Passport of the applicant – accused be released for temporary period upon deposit of Rs. 1,50,000/- for the purpose of securing his presence and the applicant – accused is hereby allowed to visit abroad from 04.06.2026 to 27.06.2026 subject to the following conditions that:-

(1) The applicant shall provide detailed program of his Visit i.e., place of stay, address, contact number etc. and make himself available through such communication during the entire tour.

(2) The applicant shall give undertaking that he and/ or his Ld. Advocate shall remain present at the time of conducting the trial as and when his presence is required and the trial shall not be hampered on account of his / her non availability or absence.

(3) The trial shall go on and the applicant and / or his learned Advocate shall not take any objection to the proceedings of the Trial.

7. It is hereby made clear that breach of any condition of this order, will automatically result in forfeiture of the aforesaid amount deposited by the applicant – accused to the State.

8. The Applicant to come back to India on or before 27.06.2026 and has to surrender his passport before the concerned Trial Court on 29.06.2026. Thereafter, upon production of Passport, the Nazir of the concerned Trial Court shall return the aforesaid amount as mentioned in the above condition.

9. If any amount of security deposit, which may be lying with the concerned Trial Court, the same may also be treated as security deposit in connection with the present application.

10. Rule is made absolute accordingly. Direct Service today is permitted.

MOHD SAIF ULLAH

(P. M. RAVAL, J)