

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CRIMINAL MISC.APPLICATION (FOR QUASHING & SET ASIDE
FIR/ORDER) NO. 14978 of 2025**

=====

PRAFULBHAI MOHANBHAI PATEL

Versus

STATE OF GUJARAT & ANR.

=====

Appearance:

MR MANAN A SHAH(5412) for the Applicant(s) No. 1

MR RAJESH K KANANI(2157) for the Respondent(s) No. 2

MR MANAN MAHETA, APP for the Respondent(s) No. 1

=====

CORAM:**HONOURABLE MR. JUSTICE VIMAL K. VYAS****Date : 23/01/2026****ORAL ORDER**

1. By way of preferring the present application under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, the present applicant-accused has prayed for the following reliefs :

“(A) Your Lordships may be pleased to admit and be pleased to allow this application;

(B) Your Lordships may be pleased to direct permanent release of passport no.9466079 of the Applicant deposited before the Ld. Principal District & Sessions Court, Ahmedabad in PMLA Case No.03 of 2014, in the interest of justice; in CRMA 810/25 order dated 3.4.25 and condition no.2 the order of court;

(B1) Your Lordships may be pleased to quash and set the order dated 3.4.2025 (Annexure-A) passed by Ld. Principal District & Sessions Court, Ahmedabad in Criminal Misc. Application No.810 of 2025 to the extent directing release of passport of the applicant bearing no.9466079 only for a

period of 6 months and further be pleased to direct permanent release of passport of the applicant, in the interest of justice;

(C) Your Lordships may be pleased to pass such other and further relief as deems fit and proper in the interest of justice.”

2. It is submitted that an inquiry was carried out under the Foreign Exchange Management Act, 1999, wherein the private respondent and other co-accused persons were involved in the racket of remitting money out of India on the basis of forged bill entries. On the basis of the complaint received by the Crime Branch, Surat, FIR being I-C.R. No.16 of 2014 was registered by the DCB Police Station, Surat, under Sections 420, 465, 467, 468, 471, 477A and 120B of the Indian Penal Code. It is further submitted that one more FIR for the offence punishable under Sections 420, 467 and 471 of the Indian Penal Code came to be registered. Thereafter, the investigation under the provisions of the Prevention of Money Laundering Act, 2002, was initiated for the offences punishable under Sections 420, 465, 467, 468, 471, 477A and 120B of the Indian Penal Code. Upon the scrutiny of the aforesaid two FIRs, a case was registered by the Director of Enforcement for investigation into the offences under the PMLA.

3. The present applicant has been arraigned as accused no.79 in PMLA Case No.03 of 2014 pending before the learned Principal District & Sessions Judge, Ahmedabad (Rural) at Mirzapur, and *vide* order dated 18.07.2014 passed below application Exh.1 in PMLA Complaint No.3 of 2014, the learned Sessions Judge had issued summons against the accused nos.3 to 79, including the present applicant, for the offence punishable under Sections 3 and 4 of the Prevention of Money Laundering Act, and directed them to deposit their passport before it and furnish security for Rs.50,000=00. In pursuance thereto, the applicant had deposited his passport and also furnished surety of Rs.50,000=00.

4. Learned advocate Mr.Manan A.Shah appearing for the applicant has submitted that although more than ten years have been passed since the issuance of the summons against the applicant, the case is still at the stage of framing of the charge.

5. Learned advocate Mr.Shah has submitted that the applicant is engaged in the construction business and is also a partner in several entities/firms engaged in the business of developing lands and putting up construction, for which, he is

frequently required to visit various countries from time to time. Mr.Shah has further submitted that earlier also, the applicant had preferred various applications before the trial court seeking return of his passport and permission to go abroad *vide* Criminal Misc. Application Nos.89 of 2017, 203 of 2017, 1106 of 2018, 1552 of 2018, 862 of 2022 1138 of 2023, etc., and the trial court was pleased to grant the said applications by imposing certain conditions. The applicant has strictly adhered to all the conditions which were imposed by the trial court and has always deposited his passport back in time before the trial court.

6. Being aggrieved and dissatisfied with the order dated 03.04.2025 passed by the learned Sessions Judge, Ahmedabad (Rural), below application Exh.8 in Criminal Misc.Application No.810 of 2025, the applicant is before this Court with a prayer to permanently release his passport.

7. Learned advocate Mr.Rajesh K.Kanani appearing for the respondent – Enforcement Directorate has submitted that the present applicant and other accused persons are involved in grave and serious offences punishable under the PMLA Act. Mr.Kanani has submitted that a huge amount of money is

remitted abroad through fake/forged bill of entries. He has further submitted that the investigation is in progress and, therefore, the presence of the applicant is necessary before the Directorate of Enforcement. As on date, the proceedings against the present applicant and other 78 accused persons have been initiated, and the same is at the stage of framing of the charge before the Designated Special Court at Ahmedabad.

8. Learned Advocate Mr.Kanani has also submitted that the *hawala* transactions involved in the instant case are suspected to have spread across many countries and, therefore, the presence of the applicant is required. If the applicant is allowed to keep the passport with him forever, then there are all possibilities that the applicant may flee out of the country and may escape the criminal proceedings and will not be available for the ongoing investigation of the money laundering case. Mr.Kanani has, therefore, submitted that considering the aforesaid, the application filed by the applicant may not be entertained and the same may be rejected.

9. While vehemently opposing the present application filed by the applicant, learned APP Mr.Manan Maheta appearing for the

respondent – State has adopted the arguments canvassed on behalf of the respondent – Enforcement Directorate and has submitted that the present application may not be entertained and the same may be rejected.

10. Admittedly, on several occasions, the trial court has released the passport of the applicant and he was permitted to travel abroad for a temporary period. It is also an admitted fact that on every occasion, after his return from abroad, the applicant has invariably deposited his passport before the trial court. Furthermore, the applicant has strictly adhered to all the conditions which were imposed by the trial court.

11. It is noteworthy that in the case of the main accused, namely, Afroz Mohmed Hasanfatta, the learned Sessions Judge and Designated Special Judge (for PMLA), Ahmedabad (Rural), had, *vide* order dated 17.09.2020 passed below application Exh.6 in Criminal Misc. Application No.1835 of 2020 in P.M.L.A. Case No.03 of 2014, relaxed the condition no.2 imposed in the order dated 26.02.2018 passed in P.M.L.A. Case No.03 of 2014, thereby the trial court has been directed to hand over the passport deposited by the applicant/accused – Afroz Mohmed

Hasanfatta for a period of five years. The order was challenged by the Enforcement Directorate before this Court by way of filing a Criminal Revision Application No.57 of 2021, which came to be declined *vide* order dated 05.04.2021 passed by a Coordinate Bench of this Court. The relevant paragraphs of the order reads thus :-

“21. On combined reading of the conditions imposed upon the private respondent, it transpires that the Designated Court took all care and caution to secure the presence of the private respondent at the time of trial, to trace the accused as and when he goes out of India as he is required to provide complete itinerary and contact details in advance and not to stay continuously for more than three months in foreign countries. Thus, there is complete check on the movement of the private respondent to the knowledge of the concerned investigating agency and the Court and therefore, to impose condition to seek leave of the Court is futile exercise on the part of the Court.

22. In view of the fact situation of the present case, the Court do not find any reason to interfere with the impugned

order, as the Court do not find any impropriety or illegality in the impugned order and therefore, present Criminal Revision Application, being devoid of merits, both on law and facts, stands declined. Notice discharged.”

12. The apprehension as to either fleeing from the country or influencing/tampering with the evidence is misplaced for more than one reasons. Despite the applicant visited foreign countries on various occasions, no any condition has been breached or any attempt has been made by the applicant to influence/tamper with the evidence. On each occasion, the applicant has returned in time and surrendered his passport.

13. Having heard learned advocates appearing for the respective parties and having considered the conditions imposed upon the applicant, it transpires that the trial court took all care and caution to secure the presence of the applicant-accused at the time of trial, to trace the applicant-accused as and when he goes out of India as he is required to provide complete itinerary and contact details in advance. Thus, there is complete check on the movement of the applicant-accused to the knowledge of the concerned investigating agency and the trial court.

14. In view of the aforesaid, the application is partly allowed. The applicant is hereby permitted to hold his passport for a period of five years instead of six months. The order dated 03.04.2025 passed by the learned Sessions Judge, Ahmedabad (Rural), below application Exh.8 in Criminal Misc. Application No.810 of 2025 is modified to the extent below :

The trial court is directed to hand over the passport to the applicant-accused deposited by him in connection with the P.M.L.A. Case No.03 of 2014, for a period of five years from the date of this order after getting necessary receipt for the same and after due verification on the following conditions :

1. The applicant-accused shall deposit an additional amount of Rs.5 lakh in cash or in the form of an FDR before the Nazir, District Court, Ahmedabad (Rural);
2. The applicant-accused shall inform the concerned Investigating Officer as well as the court before he intends to visit any foreign country;

3. The applicant-accused shall provide complete itinerary, address of his stay at the foreign country and the contact details to the concerned Investigating Officer as well as the court.

4. The applicant-accused shall give an undertaking before the court that he 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 non-availability or absence;

5. The applicant-accused shall not leave India when crucial witnesses will be examined by the court;

6. The applicant-accused shall not stay continuously for more than three months in a foreign country and shall report to the Investigating Officer as well as the court upon his return;

7. The Registry/Investigating Officer shall keep a copy of the passport and the undertaking from the

applicant that he will return the passport immediately on completion of five years from the date of this order;

8. In case of non-compliance, the respondents are to file application for cancellation of this order.

15. Rest of the order dated 03.04.2025 shall remain intact.

(VIMAL K. VYAS, J.)

/MOINUDDIN

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: MOINUDDIN ABDULLAH SAIYED(HC00172), PRINCIPAL PRIVATE SECRETARY, at High Court of Gujarat on 28/01/2026 11:42:03