

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CRIMINAL APPLICATION NO. 6927 of 2019**

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ABDULRASHID HAJIISMALBHAI SHEIKH

Versus

STATE OF GUJARAT

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Appearance:

MR. JAIMIN R DAVE(7022) for the Applicant(s) No. 1

PRIYANK S DAVE(9465) for the Applicant(s) No. 1

SHIVAM D PARIKH(9477) for the Applicant(s) No. 1

MR L B DABHI, ADDITIONAL PUBLIC PROSECUTOR(2) for the
Respondent(s) No. 1

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CORAM: **HONOURABLE MR.JUSTICE VIPUL M. PANCHOLI****Date : 28/06/2019****ORAL ORDER**

1. Rule. Mr. L.B. Dabhi, learned Additional Public Prosecutor waives service of notice of Rule for the respondent-State.

2. This application is filed for permitting the applicant to retain the passport bearing No.T1573745 for a period of three years.

3. Heard Mr. Jaimin R. Dave, learned advocate for the applicant and Mr. L.B. Dabhi, learned Additional Public Prosecutor for the respondent-State.

4. It is submitted by the learned advocate for the applicant that the applicant is enlarged on bail in connection with the FIR registered against him by the concerned Magistrate on certain terms and conditions, more particularly, Conditions Nos.3 and 5, by which, it is directed that applicant shall not leave State

of Gujarat without prior permission of the concerned Court and shall deposit the passport if any and if the applicant does not have passport then, shall file an affidavit to that effect. It is submitted that earlier also, the applicant sought permission from the concerned Court for modification of those conditions and the concerned Court modified those conditions for some limited period. It is submitted that this Court has lastly permitted the applicant to travel Kenya by modifying those conditions on certain terms and conditions. It is submitted that however as per the said order dated 29.10.2018 passed in Special Criminal Application No.9411 of 2018, the applicant has to surrender his passport before trial court on 01.07.2019 and therefore, this application is filed with a request to permit the applicant to retain his passport for further period on the grounds stated in the application.

5. Having heard learned advocate for the applicant and having gone through the averments made in the application and documentary evidence placed on record, the request of the applicant to retain his passport with him for further period deserves consideration.

6. Therefore, the present application stands allowed. The applicant is permitted to retain the passport for a further period of one year from 01.07.2019 i.e. upto 01.07.2020 on the same terms and conditions imposed by this Court while passing an

order dated 29.10.2018 in Special Criminal Application No.9411 of 2018. All other conditions shall remained unaltered.

7. Rule is made absolute to the aforesaid extent. Direct service is permitted.

(VIPUL M. PANCHOLI, J)

Pallavi