IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/CRIMINAL MISC.APPLICATION (FOR MODIFICATION ORDERS) NO. 16085 of 2026

==========

JAYESHBHAI GOVINDBHAI BALAR

Versus

STATE OF GUJARAT

==========

Appearance:
MALAY S PATEL(8901) for the Applicant(s) No. 1
MR KRUTIK PARIKH, APP for the Respondent(s) No. 1

==========

CORAM:**HONOURABLE MR. JUSTICE HASMUKH D. SUTHAR**

Date : 16/07/2026

ORDER

1. **Rule**. Learned APP waive service of notice of rule on behalf of respondent-State.

2. This application is filed for modification of Condition Nos. 4 and 7 of regular bail order dated 11.04.2012 imposed by learned 5th (Ad-Hoc) Additional Sessions Judge, Surat, in Criminal Misc. Application No.857/2012. Condition No. 5(g) of the order dated 26.07.2011 read as under :-

> *"4. not leave the local limits of State of Gujarat without the prior permission of the Court.*
>
> *7. surrender their passport, if any, to the lower court. In case, they are not having any passport, may file affidavit to that effect within a weeke."*

3. Mr. Patel, learned advocate appearing for the applicant, has submitted that FIR came to be filed against the applicant for the offence under Sections 406, 420, 465, 467, 468, 471 and 120B of IPC at Umara Police Station, being C.R.No.777/2008. Pursuant to the same, the applicant filed Regular Bail application being C.R.M.A No. 857/2012 before the Court of

learned Additional Sessions Judge, Surat, which came to be allowed vide order dated 11.04.2012 with certain conditions. Out of those conditions, Condition Nos.4 and 7 were imposed upon the applicant and applicant has complied with the conditions. It is submitted that trial is pending since 2008 and it is at the stage of process to the co-accused. Trial is not started yet. It is submitted that, the applicant is doing diamond business and needs to travel abroad frequently for his business purpose. It is submitted that the earlier the applicant many times visited foreign countries after getting permission from the concerned Court and returned in time and has not breached any of the conditions. Since last 14 years, the matter is proceedings and as and when the applicant needs to visit abroad, he has to ask permission from the Court and therefore, he urged that the present application may be allowed and his passport may be released permanently by imposing any suitable condition.

4. Learned APP appearing for the respondent – State has urged this Court to direct the applicant to produce necessary papers of his visit, however, he confirms that he has not breached any of the conditions at any point of time. He urged to impose strictest conditions, if permitted, as requested for.

5. As can be noted from the record that there is nothing on record to indicate that he has flouted the order or any of the conditions at any point of time. Moreover, the cause ventilated in the present application, certainly would require furnishing of requisite documents and it is submitted by learned advocate for the applicant that requisite documents would be made available by the applicant before the learned Trial Court as well as to the concerned Police Station in due course and as and when, he wants to leave India.

6. Considering the above facts, this application is **allowed**. Condition Nos. 4 and 7 of regular bail order dated 11.04.2012 imposed by learned 5th (Ad-Hoc) Additional Sessions Judge, Surat, in Criminal Misc. Application

No.857/2012 is hereby deleted permanently. Rest of the conditions of order dated 11.04.2012 remains unaltered. Over and above the same, the following conditions are hereby imposed :-

(a) the Court concerned shall release and handover the passport to the applicant permanently;

(b) The applicant shall give his travel schedule to the trial Court and the concerned Police Station with his addresses of the places and the telephone numbers whenever he is leaving the country and shall also provide all the related documents to the learned Trial Court as well as to the concerned Police Station.

(c) furnish Aadhaar card, email ID, SIM Card No./present address of his residence to the Investigating Officer and also to the Court at the time of execution of the bond and shall not change the residence/contact number without prior permission of Trial Court;

(c) Applicant shall mark his presence and proceed with trial through his advocate and shall not dispute his absence.

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

(HASMUKH D. SUTHAR,J)

SUCHIT

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: PATEL SUCHIT JAYESHBHAI(HC01083), Private Secretary, at High Court of Gujarat on 16/07/2026 14:31:26