

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CRIMINAL APPLICATION (DIRECTION) NO. 7242 of 2022**

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SADIK @ PASA SULEMAN ANSARI

Versus

STATE OF GUJARAT

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Appearance:

MR MOIZ S QURESHI(12981) for the Applicant(s) No. 1

MR. JAVED S QURESHI(6999) for the Applicant(s) No. 1

CM SHAH APP for the Respondent(s) No. 1

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CORAM:HONOURABLE MR. JUSTICE ILESH J. VORA**Date : 19/01/2024****ORAL ORDER**

1. Heard Mr. Javed Qureshi, learned advocate for the applicant and Ms. C.M. Shah, learned APP for the respondent State.

2. Pursuant to FIR, the applicant was arrested for the offences punishable under Sections 332, 333, 143, 147, 148, 149, 504 of IPC and later on, he was released on bail by the Sessions Court. One of the conditions was that, he should have surrendered his passport. Accordingly, the passport was surrendered by the applicant. Thereafter, the passport was released by the court to travel abroad and thereafter, the applicant could not deposit the passport in time limit. The passport has already expired and now it is in the custody of the court concerned. In these background facts, learned advocate Mr. Qureshi would submit that, for the purpose of renewal, the applicant seeks passport, which has been refused by the court concerned.

3. On the other hand, learned APP contended that at relevant time, the applicant did not have complied with the order of the Sessions Court and therefore, discretionary relief may not be granted.

4. Having heard learned counsel for the respective parties and on perusal of the material placed on record, it appears that due to unavoidable circumstances, the applicant could not redeposit his passport before the court concerned. Thus, therefore, for renewal purpose, if passport is released, no prejudice would cause to the prosecution.

5. Hence, present application is allowed. The bail condition no. 5 of Cr.M.A. No. 3689 of 2015 shall stand in abeyance for three months. The court concerned is directed to release the passport in favour of the applicant. The applicant is directed to deposit the fresh passport within 1 week from the date of receipt of the passport from the passport office. Direct service permitted.

P.S. JOSHI

(ILESH J. VORA,J)