

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPLICATION (APL) NO.706 OF 2025

Jayesh Natvarlal Dadia

...Applicant

V/s.

The State of Maharashtra & Anr.

...Respondents

Mr. Aabad Ponda, Senior Counsel a/w Adv. Chittesh Dalmia, for the Applicant.

Ms. S. D. Shinde, APP for the Respondent No.1-State.

Mr. Amit Munde a/w Adv. Jai Vohra, for the Respondent No.2-CBI.

CORAM : SHYAM C. CHANDAK, J.

DATED : 05th DECEMBER, 2025

P.C. :-

. Heard Mr. Ponda, learned Senior Counsel appearing for the Applicant, Ms. Shinde, learned APP appearing for the Respondent No.1-State and Mr. Munde, learned Counsel for the Respondent No.2-CBI.

2) At the outset, Mr. Ponda, the learned Senior Counsel for the Applicant seeks leave to amend to correct the typographical error in the middle name of the Applicant, to match it with the trial Court record.

3) Leave to amend is granted. Amendment to be carried out forthwith.

4) Present Application is seeking several reliefs. However, the learned Senior Counsel Mr. Ponda stated that he is not pressing the prayer Clauses (b) and (d).

5) The facts giving rise to this Application are that, the Applicant

is facing a prosecution in CBI Special Case No.47 of 2007 for the offences punishable under Sections 420, 467, 468, 471 r/w 120-B of the Indian Penal Code, 1860 and Section 68-A of the Companies Act, 1956, Sections 13(2) and 13(1)(d) of the Prevention of Corruption Act, 1988. The case is pending before the Court of learned Special Judge (CBI), Greater Bombay, Mumbai.

6) While releasing the Applicant on bail, a condition was imposed on him to not to leave India without getting permission from the Court. During pendency of the case, the Applicant filed an Application under Section 227 of the Code of Criminal Procedure, 1973 seeking discharge from the case. Said Application was rejected by the trial Court by Order dated 13/05/2016. The Applicant assailed that Order in Revision Application No.339 of 2016 before this Court. Therein, interim stay is granted to the proceedings in said case *qua* the Applicant. Meanwhile, the passport of the Applicant expired on 02/04/2024. Therefore, the Applicant filed an Application at Exhibit-304 seeking 'No-Objection' from the trial Court to renew the passport. The trial Court by an Order dated 15/05/2024 decided that Application at Exhibit-304. Said Order is impugned herein. The operative part of that Order reads:-

- "1 Application (Exh.304) in CBI Spl. Case 47/2007 is allowed.
- 2 The applicant/ accused Jayesh Natwarlal Dadia may apply for renewal of his passport to the Passport Authority and this Court has 'no objection' to renew the passport for a period of three years.

- 3 *The applicant/accused shall not leave the country without permission/leave obtained from the Court.*
- 4 *The applicant/accused shall hand over the passport to the CBI after its renewal.*
- 5 *As validity period of the passport has already expired, hence, the prayer for travel abroad is rejected.*
- 6 *All other bail conditions shall remain intact."*

7) Mr. Ponda, learned Senior Counsel submitted that when bail was granted to the Applicant by the trial Court, the condition to hand over the passport to the CBI was not imposed on the Applicant. For the first time, this condition is imposed but without any necessity. He submits that even such condition is not imposed on the main Accused against whom the case is proceeding further. Meanwhile, the Applicant had visited abroad once and came back. In the impugned Order, the trial Court also observed that the Applicant is not a flight risk. Yet, the said condition to hand over the passport is imposed. He further submits that in relation to the wife of the Applicant who is his co-accused, and the main accused, the trial Court has given a 'No-Objection' to extend the period of their passport for 10 years. But in the case of the Applicant, it is restricted to 3 years. Thus, there is disparity, which is unwanted in the case. Therefore, he submitted that the impugned Order, to that extent, may be interfered with and it may be suitably modified to extend the period of passport for 10 years and to substitute the direction "to hand over the passport to the CBI" with "to hand over copy of the passport to the CBI".

8) Mr. Munde, learned Counsel appearing for the CBI opposed the Application and submitted that the case has yet not commenced. The Applicant may abscond and may not be available for framing the charge. Therefore, the 'No objection' to renew the passport is restricted to 3 years.

9) The Order dated 18/06/2024 passed in favour of Dipak Jashwantlal Panchal in the same case, is produced for perusal of the Court. This Order is not disputed by the learned Counsel for the CBI. This Order clearly speaks that the passport of Dipak Jashwantlal Panchal is allowed to be extended by 10 years giving 'No-Objection' by the same Court. However, having regard to the contentions of the Respondent-CBI, such renewal in the case of the Applicant is limited to 3 years. Yet, it must be noted that, the case qua the Applicant is stayed. As noted by the trial Court in the impugned Order, the Applicant has not breached the bail order. The Applicant is permanent resident of Mumbai. The Applicant's travel abroad is subject to the permission of the trial Court. Earlier, the Applicant had gone abroad but, he had returned. As such, he is not likely to abscond. In the wake of above, in my view, there is no hurdle to give 'No objection' for the renewal of the passport for a period of 10 years. By the said Order dated 18/06/2024 Dipak Jashwantlal Panchal was also directed "to hand over the passport to the CBI after its renewal". Later on, said condition was modified as "to hand over the copy of passport to the CBI after its renewal" *vide* Order dated 29/06/2024 below Exh. 313. In view thereof, I am inclined to allow the Application, accordingly. Hence, the following Order:-

- (i) The Application is partly allowed.
- (ii) The impugned Order to the extent of it restricting the renewal of the passport to 3 years and directing to hand over the passport to CBI after its renewal, is set aside. The said Order is modified to that effect as under:-
 - (a) The Applicant/Accused Mr. Jayesh Natvarlal Dadia may apply for the renewal of his passport to the Passport Authority and the Passport Authority is at liberty to renew the passport for a period of 10 years, subject to the Applicant fulfilling the other requirements of the said Authority.
 - (b) Once the passport is renewed, the Applicant Mr. Jayesh Natvarlal Dadia shall hand over a copy of the passport to the CBI.
- (iii) Insofar as permission to travel abroad is concerned, it should be applied before the trial Court in consonance with the Bail Order.

(SHYAM C. CHANDAK, J.)