

Date of institution	05.03.2026
Date of registration	05.03.2026
Date of decision	27.03.2026



IN THE COURT OF 10TH ADDITIONAL SESSIONS JUDGE
AHMEDABAD (RURAL) AT NAVRANGPURA

CRIMINAL MISC. APPLICATION NO. 663 OF 2026

Applicant:

Name	Sureshbhai Amulakhbhai Shah
Age	65 years,
Occupation	Business,
Address	1203, Block – I, Cloud 9, Near Zansini Rani Statue, Nehrunagar, Ahmedabad.

V/s.

Respondent:

State of Gujarat

Appearance (Learned Advocates):

For Applicant	Mr. R. D. Rajpur
For State	Learned PP Mr. P. M. Trivedi

:- ORDER :-

1. Present application for anticipatory bail has been filed in connection with an application submitted by the complainant namely Shefali W/o. Krunal Rajnikant Patel in **Vejalpur Police Station** bearing Application No.L.A./19/2026 dated 23.01.2026 in connection of which police officials of the said police station called the applicant and informed him to remain present before

them, hence, the applicant is having apprehension that he will be falsely implicated in some false case at the instance of aforesaid complaint of the complainant. In these circumstances, the present application has been filed wherein a prayer for releasing the applicant on anticipatory bail has been made.

2. Ld. Advocate for the applicant has submitted that the applicant is innocent persons and he is apprehending that he will be falsely implicated at the instance of the complainant. It has been further submitted that wife of the applicant became the member of the Committee of Riddhi Siddhi Credit Society vide resolution dated 15.09.2025, however, within a short span i.e. on 06.01.2026, she has tendered her resignation. It has been further submitted that the present applicant is not holding any post in the Committee of the above-named society and no financial transaction has taken place from or at the instance of the applicant. It has been further submitted that even wife of the applicant has also not entered into any transaction during her tenure as a Managing Director of the society. It has been further submitted that Riddhi Siddhi Credit Society is a registered Society and regularly Audit has been carried out for the financial transaction undergone by the Society and report of the Auditor is also submitted before the District Registrar, but, till today no any illegality is pointed out by the concerned Authority. It has been further submitted that the dispute is purely of civil in nature, however, it has been given the colour of criminal offence just to undue pressurize the applicant. It has

been further submitted that no member of the society has raised any objection pointing out any illegality in the administration of the society and at present necessary process for appointment of Administration is also initiated. It has been further submitted that the present applicant is residing at the address mentioned in the caption of the present application and he is having responsibility to maintain his family and he has two daughters and one son and his son is mentally retarded. It has been further submitted that he is ready and willing to abide by all the condition imposed upon him. With these submissions, he has prayed that the present application may be allowed.

3. The Ld. PP for the State has submitted an affidavit of the concerned investigating officer vide Exhibit:5 and submitted that the applicant along with other co-accused persons have embezzled huge amount belonging to the innocent members of the society and prima facie case is made out against him. He has further submitted that investigation is still going on and thorough investigation is required to unearth the truth. Thus, he has prayed to reject the present application.
4. I have heard both the Learned Advocates and perused the entire case file carefully.
5. It is now well settled that so far as grant of anticipatory bail is concerned there need not be any registration of an FIR. Even without registration of an FIR, if a person apprehending arrest, he can pray for anticipatory bail. Indisputably, herein this case there is no FIR registered as on today. Further, on perusal of

police papers, affidavit filed by the Investigating Officer and summons/notice issued to the present applicant by the PSI, Vejalpur Police Station it appears that the notice was issued pursuant to the complaint being L.A./19/2026 lodged by one Shefali W/o. Krunal Rajnikant Patel making allegation against the applicant.

6. At the outset, the complainant has submitted an application mainly raising allegations of cheating and siphoning of huge amount of the members of Riddhi Siddhi Credit Society. It is worthwhile to mention here that at this juncture, FIR is not registered. Since no FIR has been registered in the present case, hence, it is apt to reproduce observations of Hon'ble Supreme Court in **Gurbaksh Singh Sibbia v/s State of Punjab**, reported in AIR 1980 SC 1632, has observed that:

"37... A blanket order of anticipatory bail is bound to cause serious interference with both the right and the duty of the police in the matter of investigation because, regardless of what kind of offence is alleged to have been committed by the applicant and when, an order of bail which comprehends allegedly unlawful activity of any description whatsoever, will prevent the police from arresting the applicant even if he commits, say, a murder in the presence of the public. Such an order can then become a charter of lawlessness and a weapon to stifle prompt investigation into offences which could not possibly be predicated when the order was passed. Therefore, the Court which grants anticipatory bail must take care to specify the offence or offences in respect of which alone the order will be effective. The power should not be exercised in a vacuum."

7. Further, it appears that as the applicant has not appeared before the concerned police station despite calling by the police, by virtue of the said notice, the applicant is directed to remain

present before the police station for recording statement of the applicant within two days. Therefore, it is clear that applicant is not cooperating with the police in the inquiry initiated in connection with the police complaint lodged against him by the complainant. Apart from this on perusal of the affidavit it appears that the police has yet to take a decision whether to register the FIR or not. Therefore, at this stage considering the above all fact and circumstances of the case, this Court do not propose to go into the merit of the matter for the simple reason that there is no imminent threat of the applicant being arrested. Therefore, at this stage this court is not inclined to grant any order of anticipatory bail in favour of the present applicant.

8. Here in this case the Ld. Advocate has requested this Court that in any case at this stage if this Court is not inclined to grant the anticipatory bail to the applicant, the Hon'ble Court may direct the concerned police station that ultimately if it is decided that the applicant is to be arrested, then he shall be informed about the same by the concerned police officer, so that he may be able to take appropriate legal remedy before the appropriate forum, in accordance with the law. To deal with this contention of the Ld. Advocate for the applicant it is apt to refer the latest judgment of Hon'ble Supreme Court in case of "**Vijaykumar Gopichand Ramchandani Vs. Amar Sadhuram Mulchandani & Ors.**" reported in **2022 LiveLaw (SC) 1010**, wherein the Hon'ble Supreme Court in para - 2 & 3 of the judgment has pleased to held that :

"2. The direction issued by the High Court to the effect that 72 hours' notice should be given to the first respondent in the event that the State finds it necessary to arrest him in connection with any complaint pertaining to a cognizable offence at the behest of the Joint Registrar (Audit) is manifestly incorrect in law. (See in this context, Union of India v Padam Narain Aggarwal & Others1). Such a direction could not have been issued by the High Court.

3. The direction to the effect that 72 hours' advance notice should be given to the first respondent before effecting an arrest, in the event of a complaint being registered in respect of a cognizable offence, is accordingly vacated and set aside."

9. Therefore, on the perusal of the above cited judgment it is clear that the direction to the concerned police station to issue the notice to the applicant/accused, in the event that the police finds it necessary to arrest his in connection with the complaint pertaining to a cognizable offence is manifestly incorrect in law and such direction could not have been issued. Considering the above dictum of the Apex Court, while disposing of this application, this Court is also not inclined to give direction to the concerned police station as prayed by the applicant.
10. Thus, considering the contentions raised by the applicant in the present application as well as affidavit submitted by the Investigation Officer vide Exhibit:5 and submissions advanced by the Ld. advocates for the respective parties, it appears that investigation pertaining to the allegations levelled against the applicant is still going on. Hence, in view of the above discussions, this Court is of the view that, no exceptional circumstances are shown by the applicant for grant of the application and Hence, keeping in view the above ratio of law, following order is passed, in the interest of justice;-

-: ORDER :-

(1) The present application stands **rejected**.

Yadi be issued to the concerned Investigating Officer/
Incharge of concerned Police Station & concerned Ld.
Trial Court in this regard.

Pronounced and signed in the open Court on this 27th day of
March, 2026 at Ahmedabad.

Date : 27.03.2026
Place: Ahmedabad

[Hardik R. Shah]
10th Additional Sessions Judge,
Ahmedabad (Rural) at Navrangpura.
UIC No.GJ00851.

