

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/CRIMINAL APPEAL (FOR ANTICIPATORY BAIL) NO. 148 of 2026**

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KALPESH KIRITBHAI PATEL
Versus
STATE OF GUJARAT & ANR.

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Appearance:

MR MAHARSHI V PATEL(6548) for the Appellant(s) No. 1
MR JAY MEHTA, APP for the Opponent(s)/Respondent(s) No. 1

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CORAM: **HONOURABLE MR. JUSTICE NIKHIL S. KARIEL**
Date : 22/01/2026

ORAL ORDER

1. Heard learned senior advocate Mr.Jal Unwala with learned advocate Mr.M.V. Patel appearing on behalf of the appellant and learned Additional Public Prosecutor Mr. Jay A. Mehta appearing on behalf of the respondent-State.

2. Considering the submission made by learned senior advocate and having perused the documents on record, it would prima facie appear to this Court that the deceased was a tenant in the premises of the present appellant for the last 10 years.

2.1. It would also appear that the allegation against the appellant being that the appellant had abused the deceased using caste related abuses, inter alia, stating that he had recently come to know about the caste status of the deceased and he wanted the deceased to vacate the shop in question.

2.2. It is also alleged that the appellant was harassing the deceased in spite of the fact that the deceased was paying the rent regularly.

3. On the other hand, perusing the FIR itself, it would appear that the deceased had taken a loan on a very high interest rate and he was being harassed by the persons, who had provided the loan.

4. Having regard to such circumstances, more particularly, since it appears that the deceased was a tenant for the last 10 years, and whereas, since it *prima facie*, does not appear to this Court that the appellant may not be aware about the caste status of the deceased. It would appear that the allegation may be a case of over implication.

5. Considering such prima facie observations, issue Notice to the respondents, returnable on 05.02.2026. Learned APP waives service of notice on behalf of respondent-State.

6. By way of ad interim relief, the Investigating Officer is directed not to take any coercive steps against the present appellant.

6.1. In the meanwhile, it is directed that the present appellant shall appear before the Investigating Officer as and when required by the Investigating Officer before the returnable date.

7. Direct service for respondent No.2 through concerned police Station is permitted.

KUMAR ALOK

(NIKHIL S. KARIEL,J)

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: ALOK KUMAR(HC01091), PRIVATE SECRETARY, at High Court of Gujarat on 23/01/2026 14:25:44