

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CRIMINAL APPLICATION (QUASHING) NO. 3393 of 2025**

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SAGARKUMAR MAYABHAI BARAIYA

Versus

STATE OF GUJARAT & ANR.

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Appearance:

MR ABHISHEK K KHUMAN(12902) for the Applicant(s) No. 1

MS SHRUTI PATHAK, APP for the Respondent(s) No. 1

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CORAM:HONOURABLE MR. JUSTICE DIVYESH A. JOSHI**Date : 07/03/2025****ORAL ORDER**

1. Mr. Abhishek Khuman, learned advocate for the applicant submits that the FIR is filed against total 14 accused persons and the name of present application is shown at Sr. No.05. He submits that it is an admitted position of fact that the applicant was not found out available at the place of occurrence and on the basis of statements made by the co-accused, who were caught raid-handed from the place of occurrence that they supposed to have delivered the said goods to the present applicant, he has been arraigned as an accused in the present proceedings. He further submits that considering the above-stated factual aspects, the applicant is required to be protected.

2. Learned APP has objected the present application with a vehemence and submitted that considering the past chequered history of the present applicant, the protection

cannot be granted to the applicant as it is found out during the investigation that two offences have been registered against the applicant.

3. Considering the above-stated factual aspects that the name of the applicant has surfaced on the statements of the co-accused and he was not found out available at the place of occurrence, **Issue Notice** to the respondents, returnable on **09.06.2025**. Learned Additional Public Prosecutor waives service of notice for and on behalf of the respondent -State of Gujarat.

In the meantime, the investigation may proceed further in accordance with law, however, no coercive steps shall be taken against the applicant.

Direct service is permitted.

(DIVYESH A. JOSHI,J)

A. B. VAGHELA

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: ARUNA BHARATSINGH VAGHELA(HC01079), PRIVATE SECRETARY, at High Court of Gujarat on 07/03/2025 17:52:10