

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD****R/CRIMINAL MISC.APPLICATION (FOR ANTICIPATORY BAIL) NO. 8738 of 2025****BHARATKUMAR SAUBHAGYACHAND PUJARA & ANR.****Versus****STATE OF GUJARAT****Appearance:**

MR VIPUL SAVDAS REVDARIYA(14299) for the Applicant(s) No. 1,2

MR HARDIK MEHTA, APP for the Respondent(s) No. 1

**CORAM:HONOURABLE MR. JUSTICE HASMUKH D. SUTHAR****Date : 02/05/2025****ORAL ORDER**

RULE returnable forthwith. Learned APP waives service of notice of Rule for and on behalf of the respondent – State of Gujarat.

When this Court posed a query as regards compliance of section 35 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short "BNSS"), learned APP has submitted that though notice is served, the applicants have not joined the investigation.

Upon instructions, learned advocate for the applicants states that applicants are ready and willing to join the investigation on **06.05.2025**. If the applicants so appear, the Investigating Officer is directed to scrupulously follow the proposition of law as settled by the Hon'ble Supreme Court in the case of **Arnesh Kumar v. State of Bihar [(2014)8 SCC 273]**; **Satender Kumar Antil v. Central Bureau of Investigation & Anr. [(2022)10 SCC 51]** and **Md. Asfak Alam vs. State of Jharkhand and Another [2023 SCC OnLine SC 892]** and even the learned Magistrate before mechanically authorizing the detention of applicants shall follow the dictum of Hon'ble Supreme Court in the aforesaid decisions.

With aforesaid direction, present application is disposed of. Rule is hereby discharged.

**(HASMUKH D. SUTHAR, J.)***Ajay*

Original copy of this order has been signed by the Hon'ble Judge.

Digitally signed by: AJAY CHANDRAN MENON(HC00939), PRINCIPAL PRIVATE SECRETARY, at High Court of Gujarat on 02/05/2025 15:37:13