

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

**R/CRIMINAL APPEAL NO.1129 of 2025
(FOR ANTICIPATORY BAIL)**

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RABARI DASHRATHBHAI JORABHAI
Versus
STATE OF GUJARAT & ANR.

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Appearance:

MRALOK M THAKKAR(6510) for the Appellant(s) No. 1
MR PUNAM G GADHVI(3724) for the Respondent(s) No. 2
MR HARDIK SONI APP for the Respondent(s) No. 1

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CORAM:HONOURABLE MR. JUSTICE DIVYESH A. JOSHI

Date : 16/06/2025

ORAL ORDER

When the matter is taken up for hearing, learned advocate for the appellant submitted that the appellant has been served with the notice issued under Section 35 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ("BNSS" for short). He, however, under instructions, states that the applicant is ready and willing to join the investigation as and when called by the concerned IO.

On the other hand, learned APP has submitted that the appellant may be directed to remain present before the concerned IO for the investigation.

Having considered the submissions and the documents produced on record, it is found out that the offences alleged are punishable with maximum imprisonment upto 7 years and if the appellant so appears, 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 Vs. State of Bihar**, reported in (2014) 8 SCC 273, in case of **Satender Kumar Antil Vs. Central Bureau of Investigation & Anr.**, reported in (2022) 10 SCC 51 and in case of **Md. Asfak Alam Vs. State of Jharkhand & Anr.**, reported in 2023 SCC OnLine SC 892 and also inform about the grounds of arrest by issuing notice of 10 days, if needed, to learned Magistrate and even the learned Magistrate before mechanically authorizing the detention of the applicant shall follow the dictum of the Hon'ble Supreme Court in the aforesaid decisions. The appellant shall remain present before the concerned IO for interrogation on 19.06.2025.

In view of the above, the present appeal stands disposed of. Direct service is permitted.

(DIVYESH A. JOSHI, J.)

Gautam

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: GAUTAM G PATIL(HC00190), Principal Pvt. Secretary, at High Court of Gujarat on 16/06/2025 17:26:02