
(2023) 10 GUJ CK 0077
In the Gujarat High Court

Case No : R/Criminal Misc.Application (For Anticipatory Bail) No. 18675 Of 2023

Raj Maheshbhai Patel

APPELLANT

Vs

State Of Gujarat

RESPONDENT

Date of Decision : 27-10-2023

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 41A, 438
Indian Penal Code, 1860 — Section 362, 365

Citation : (2023) 10 GUJ CK 0077

Hon'ble Judges : Hasmukh D. Suthar, J

Bench : Single Bench

Advocate : Yashma R Mathur, Shruti Pathak

Final Decision : Disposed Of

Judgement

Hasmukh D. Suthar, J

1. Heard learned advocates appearing for the respective parties.
2. By way of the present application under Section 438 of the Code of Criminal Procedure, 1973, the applicant accused has prayed to release him on anticipatory bail in the event of his arrest in connection with FIR being CR. No.11188002230529 of 2023 registered with BAYAD POLICE STATION, Dist. Aravalli, for the offences punishable under Sections 362 and 365 of IPC.
3. Learned APP appearing for the State has produced on record a statement of girl Vidhi Patel recorded by the police, which is taken on record. Perusing the same, it appears that the victim on her own will and wish went with the applicant.
4. Learned counsel for the applicant submits that the offence alleged are punishable with maximum imprisonment upto 7 years. However, on instructions, she fairly states that the applicant is ready and willing to join the investigation and hence, in view of the law laid down by the Hon'ble Supreme Court in the case of Arnesh Kumar v. State of Bihar reported in (2014)8 SCC 273; Satender

Kumar Antil v. Central Bureau of Investigation & Anr. reported in (2022)10 SCC 51 and Md. Asfak Alam vs. State of Jharkhand and another reported in 2023 SCC OnLine SC 892, the police authority shall have to scrupulously follow the directions given by the Hon'ble Supreme Court and the mandate of Section 41A of the Code of Criminal Procedure, 1973.

5. In view of the above, the applicant is directed to remain present before the investigating authority on 04.11.2023 and the police authority shall follow the above cited directions delivered by the Hon'ble Apex Court as well as the mandate of Section 41A of the Code of Criminal Procedure, 1973 before making a mechanical arrest of the applicant.

6. With the aforesaid direction, present application stands disposed of. Rule is made absolute to the aforesaid extent. Direct service is permitted.