IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/CRIMINAL MISC.APPLICATION NO. 19336 of 2020

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KALUBHAI MALJIBHAI RABARI

Versus

STATE OF GUJARAT

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Appearance:
GHANSHYAMBHAI N PATEL(8700) for the Applicant(s) No. 1,2,3
JUCKY LUCKY CHAN(8033) for the Applicant(s) No. 1,2,3
MS SHRUTI PATHAK, APP for the Respondent(s) No. 1

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CORAM:**HONOURABLE MR. JUSTICE A.S. SUPEHIA**

Date : 18/12/2020

ORAL ORDER

1. Learned advocate Mr.J.L.Chan for the applicants has submitted that the present applicants have an apprehension of being arrested with regard to notice dated NIL/11/2020 (at Page 8), by which they are asked to remain present within two days. He has submitted that the applicants have an apprehension that if they remain present for recording their statements, they will be arrested with regard to one notarized banakhat No.1237/1990 dated 31.07.1990, which is filed in Special Civil Suit No.109 of 2020 for specific purpose.

2. Learned advocate Mr.Chan, in support of his submissions, has placed reliance on the judgment dated 24.02.2015 passed in Criminal Misc. Application No.3297 of 2015 by the Coordinate Bench of this Court in the case of Jitendrakumar Bhanukumar Rao V/s. State of Gujarat.

3. Per contra, learned APP while placing reliance on the order dated 03.12.2020 passed by the lower court has submitted that till today no FIR has been filed and the investigation is not undertaken and the applicants are only asked to remain present before the police station to record their statements. She has submitted that the apprehension of the applicants of being arrested is baseless as no FIR is filed.

4. Under the circumstances, since the specific stance is taken by the State that the apprehension of the applicants are ill-founded and they are only summoned to remain present for recording their statements, it is directed that the applicants shall remain present before the concerned Investigating Officer, as per the notice dated NIL/11/2020 (at Page 8) and and if they remain present, it is directed that they shall not be arrested.

5. The applicants may be informed about their arrest at least 01 (one) week before so that they may take appropriate legal remedy before the appropriate forum.

6. With the aforesaid direction, the present application stands disposed of.

Sd/- .
(A. S. SUPEHIA, J)

NEHA GUPTA///ABHISHEK