

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CRIMINAL MISC.APPLICATION (FOR ANTICIPATORY BAIL) NO. 7873
of 2025**=====
HITESHBHAI GIRISHBHAI BALDANIYA**Versus****STATE OF GUJARAT**
=====**Appearance:****MR ASHISH M DAGLI(2203) for the Applicant(s) No. 1****MR HARDIK MEHTA, APP for the Respondent(s) No. 1**
=====**CORAM: HONOURABLE MR. JUSTICE HASMUKH D. SUTHAR****Date : 23/04/2025****ORAL ORDER**

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 applicant has not joined investigation.

Learned counsel for the applicant, upon instructions, states that the applicant is ready and willing to join the investigation on **28.04.2025**. The offences alleged are punishable with maximum imprisonment upto 7 years and if the applicant 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 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** and also inform about the ground of arrest, if needed, to learned Magistrate and even the learned Magistrate before mechanically authorizing the detention of applicant shall follow the dictum of Hon'ble Supreme Court in the aforesaid decisions. In view of the above, application stands disposed of. Direct service is permitted.

(HASMUKH D. SUTHAR,J)

SUCHIT

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

Digitally signed by: PATEL SUCHIT JAYESHBHAI(HC01083), Private Secretary, at High Court of Gujarat on 23/04/2025 14:56:20