

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/CRIMINAL MISC.APPLICATION (FOR ANTICIPATORY BAIL) NO. 9300
of 2025**

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PRASHANT MANHARBHAI FINVIYA
Versus
STATE OF GUJARAT

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Appearance:

MR ATIT D THAKORE(5290) for the Applicant(s) No. 1

MR. ANIL P JAGANI(6729) for the Applicant(s) No. 1

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

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CORAM: HONOURABLE MR. JUSTICE HASMUKH D. SUTHAR

**Date : 07/05/2025
ORAL ORDER**

Mr. P.Y. Jasani, learned advocate submits that he has instructions to appear on behalf of the complainant.

He is permitted to file his appearance.

Rule. Learned advocates waive service of notice of Rule for the respective respondents.

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 15.05.2025. 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. Rule discharged. Direct service is permitted.

ALI

(HASMUKH D. SUTHAR,J)

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: ISTAYAK ALI(HC01093), PRIVATE SECRETARY, at High Court of Gujarat on 07/05/2025 16:33:54