

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Cr1.) No(s).5957/2022

(Arising out of impugned final judgment and order dated 27-05-2022 in R/CRMA No.9343/2022 passed by the High Court Of Gujarat At Ahmedabad)

BINAY RAMESHCHANDRA RUSAT

Petitioner(s)

VERSUS

STATE OF GUJARAT

Respondent(s)

(IA No.89686/2022 - EXEMPTION FROM FILING O.T., IA No.88685/2022 - EXEMPTION FROM FILING O.T., IA No.89683/2022 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 11-09-2023 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SURYA KANT  
HON'BLE MR. JUSTICE DIPANKAR DATTA

For Petitioner(s)    Mr. Ankit Anandraj Shah, AOR  
                              Mr. Kumar Aditya, Adv.  
                              Mr. Avneesh Upadhyay, Adv.  
                              Mr. Karan Shankar Mani, Adv.

For Respondent(s)   Ms. Swati Ghildiyal, AOR  
                              Mr. Prashant Bhagwati, Adv.  
                              Ms. Devyani Bhatt, Adv.

UPON hearing the counsel the Court made the following  
O R D E R

1. The petitioner seeks pre-arrest bail in FIR No.11192050220151 dated 14.04.2022 under Sections 379, 407, 420, 285 and 114 of the Indian Penal Code, 1860 registered at Police Station Sanand District Ahmedabad Rural. The petitioner is alleged to be a member of a gang involved in the theft of chemical products while it being transported from Kandla Port. The petitioner opened the seal of the tanker and stole the chemical products, which as per the counter

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affidavit filed in this Court was valuing Rs.4,23,330/-.

2. The petitioner was granted interim bail on 14.07.2022 subject to his joining and cooperating with the ongoing investigation. The State of Gujarat, however, took a stand that despite the directions issued by this Court, the petitioner has not joined the investigation. The Investigating Officer was accordingly directed to file an affidavit giving details of the phone calls, informing the petitioner to join the investigation. As per the additional affidavit filed by the Investigating Officer, the petitioner was called on his mobile phone on 23.03.2023, 27.03.2023 and again on 24.05.2023 to join the investigation. He was also called through WhatsApp on all the three days but the petitioner did not join the investigation. On 18.07.2023, the petitioner was accordingly directed to appear before the Investigating Officer on 24.07.2023 at 11 a.m. It is stated that pursuant thereto, the petitioner has joined the investigation on the date fixed and thereafter again on 01.08.2023.

3. Though, the petitioner has failed to comply with the conditional interim bail order and kept on avoiding to go in the ongoing investigation, however, keeping in view the fact that subsequently he has joined the investigation, we do not deem it necessary to vacate the interim protection granted on 14.07.2022. Suffice to direct that the petitioner shall continue to appear before the Investigating Officer as and when required and in case he defies the direction, State shall be at liberty to seek recall of this order.

4. However, a cost of Rs.25,000/- (Rupees twenty-five thousand)

is imposed on the petitioner, which is directed to be deposited with the Advocate's Welfare Fund of the Supreme Court Bar Association within two weeks, failing which the anticipatory bail granted to him shall stand vacated.

5. Subject to the condition above, interim order dated 14.07.2022 is made absolute and the special leave petition is disposed of accordingly.

6. All pending applications, if any, stand disposed of.

(ARJUN BISHT)  
COURT MASTER (SH)

(PREETHI T.C.)  
COURT MASTER (NSH)