

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 (Crl.) No(s). 14489/2023

(Arising out of impugned final judgment and order dated 05-10-2023 in CRLMA No. 15242/2023 passed by the High Court of Gujarat at Ahmedabad)

TUSHARBHAI RAJNIKANTBHAI SHAH

Petitioner(s)

VERSUS

STATE OF GUJARAT

Respondent(s)

(IA No. 231361/2023 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT, IA No. 231360/2023 - EXEMPTION FROM FILING O.T.

IA No. 241398/2023 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES

IA No. 231362/2023 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

WITH

Diary No(s). 1106/2024 (II-B)

SLP(Crl) No. 537/2024 (II-B)

(FOR ADMISSION and I.R. and IA No.5297/2024-CONDONATION OF DELAY IN FILING and IA No.5296/2024-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.5295/2024-EXEMPTION FROM FILING O.T. and IA No.5298/2024-PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

SLP(Crl) No. 1116/2024 (II-B)

( IA No.13639/2024-CONDONATION OF DELAY IN FILING and IA No.13644/2024-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.13648/2024-EXEMPTION FROM FILING O.T. and IA No.13652/2024-PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 29-01-2024 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.R. GAVAI

HON'BLE MR. JUSTICE SANDEEP MEHTA

For Petitioner(s) Mr. Iqbal Syed, Sr. Adv.

Mr. Rajivkumar, AOR

Mr. Sanjeev Gupta, Adv.

Mr. Amaan Syed, Adv.

Mr. J.k.mishra, Adv.

Mr. Iqbal Syed, Sr. Adv.  
Mr. Mohammad Aslam, AOR  
Mr. Aniq Kadri, Adv.  
Mr. Vishrut Bhandari, Adv.  
Mr. Amaan Syed, Adv.  
Mr. Dipesh Dalal, Adv.  
Mr. Avinash Kumar Bharti, Adv.  
Mr. Avinash Kushor Bharti, Adv.  
Mr. Dr. Ram Kishor Chaudhary, Adv.  
Mr. Ashraf Yusuf Khan, Adv.  
Mr. Athar Alam, Adv.  
Mr. Manish Garani, Adv.  
Mr. Sumbul Athar, Adv.  
Mr. Dwibendu Shekhar Barik, Adv.

**For Respondent(s)**

Mr. Tushar Mehta, Solicitor General  
Mr. S.V. Raju, A.S.G.  
Ms. Aishwarya Bhati, A.S.G.  
Ms. Archana Pathak Dave, Sr. Adv.  
Ms. Swati Ghildiyal, AOR  
Ms. Devyanti Bhatt, Adv.  
Ms. Devyani Bhatt, Adv.  
Mr. Prashant Bhagwati, Adv.  
Ms. Neha Singh, Adv.

Mr. K. Parmeshwar, Adv.  
Ms. Ruchi Kohli, AOR  
Ms. Srishti Mishra Adv, Adv.

Mr. D.N. Ray, Sr. Adv.  
Mr. Ashutosh Ghade, AOR  
Mr. Sushil Shukla, Adv.  
Mr. Ashutosh Ghade, Adv.  
Ms. Ankita Shukla, Adv.  
Mr. Nimit Bhimjiyani, Adv.

Mr. Nikhil Goel, Sr. Adv.  
Mr. Kushagra Pandey, Adv.

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

**CONTEMPT PETITION..... @ DIARY NO(S). 1106/2024**

1. Shri Tushar Mehta, learned Solicitor General of India, Mr. S.V. Raju and Ms. Aishwarya Bhati, learned Additional Solicitor General and Shri D.N. Ray, learned senior counsel, submit that there is a practice prevailing in the Gujarat High Court that a

condition is imposed in the order granting anticipatory bail whereby, liberty is granted to the Investigating Officer to apply for remand.

2. It is submitted that in the present case, indisputably though no such condition was imposed by this Court, under a mistaken belief, the I.O. filed an application for remand which was entertained by the learned Magistrate who remanded the petitioner to police custody.

3. We find that such a condition, after finding that the petitioner/applicant is entitled to anticipatory bail on merits would defeat the very purpose of the relevant provisions of the Cr.P.C.

4. It will therefore be appropriate that the High Court of Gujarat at Ahmedabad is also heard before we proceed to decide the matter.

5. Leave is granted to the petitioner(s) to implead the High Court of Gujarat at Ahmedabad as party respondent through its Registrar General.

6. In such an event, issue notice to the newly impleaded respondent, returnable in two weeks.

7. Dasti service, in addition, is granted.

8. For the present, personal presence of the newly added respondent is dispensed with.

**REST OF THE MATTER**

List these matters also on the day when Contempt Petition.....  
@ Diary No(S). 1106/2024 is listed for hearing.

(NARENDRA PRASAD)  
ASTT. REGISTRAR-cum-PS

(ANJU KAPOOR)  
COURT MASTER (NSH)