

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD****R/CRIMINAL MISC.APPLICATION NO. 1435 of 2020**

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STATE OF GUJARAT

Versus

RAMBHAI NATHABHAI LUNA

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Appearance:

MR K.M. ANTANI, APP for the Applicant(s) No. 1  
for the Respondent(s) No. 1

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**CORAM: HONOURABLE MR. JUSTICE UMESH A. TRIVEDI****Date : 16/03/2023****ORAL ORDER**

1. Heard Mr. K.M. Antani, learned APP.
2. According to his submission, respondent - accused is granted anticipatory bail on a wrong premises.
3. Drawing attention of the Court to the FIR as also the Report of FSL, which has been referred to in the order, original accused No. 1 found in possession of cash of Rs. 2,61,000/- in his house on 05.12.2018. The original accused No. 1 pleaded that it was borrowed from present respondent - accused, who is granted anticipatory bail and in support of the same, entry in the Tally Software account was produced. However, from the report of FSL, after examining the laptop of respondent No. 2

which was sent to the FSL, it was opined that entry letting amount of Rs. 2,50,000/- came to be entered only on 06.12.2018 and that too, only after the present respondent - accused met the main accused, i.e. on 06.12.2018 and not on 02.12.2018, as claimed by him. Therefore, an order of anticipatory bail granted in favor of the applicant is required to be interfered with.

Hence, **Notice** returnable on **11.04.2023**.

4. Vide order dated 15.02.2023, learned APP was directed to file an affidavit of Investigating Officer (I.O.) of the case as to non-filing of the charge-sheet from the year 2019 till date. However, charge-sheet against the present respondent has come to be filed.

5. From the papers, a sorry state of affairs has been projected. Since the order of anticipatory bail of the respondent - accused passed on 01.08.2019, it came to be challenged by the State, that too, at the instance of the I.O. and present application has come to be affirmed on 17.01.2020 and filed on 18.01.2020. It appears that it has not been seriously followed either by the Office of the Public Prosecutor or by the Investigating Officer himself.

6. From the docket-sheet, it appears that at the request of learned APP, matter came to be adjourned vide order dated 24.01.2020 to a date on 05.02.2020, and thereafter, it appears that no effective orders were ever passed and it was never seriously followed.

Copy of this order be sent to the Secretary, Home Department, as also Secretary, Legal Department, for appropriate actions.

*Raj*

**(UMESH A. TRIVEDI, J.)**

