

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD****R/SPECIAL CRIMINAL APPLICATION (DIRECTION) NO. 8858 of 2020**

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DHAVALKUMAR SIDDHARAJBHAI NINAMA

Versus

STATE OF GUJARAT &amp; ANR.

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## Appearance:

MR AMIT M BAROT(5868) for the Applicant(s) No. 1

MR JIGAR G GADHAVI(5613) for the Applicant(s) No. 1

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

RULE SERVED for the Respondent(s) No. 2

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**CORAM:HONOURABLE MR. JUSTICE ILESH J. VORA****Date : 02/04/2024****ORAL ORDER**

1. Heard learned counsel Mr. Jigar Gadhvi and Mr. Jay Mehta, learned Additional Public Prosecutor for the respondent State.
2. Having regard to the facts and circumstances of the present case, the apprehension being expressed to the effect that for the alleged incident dated 05.11.2020, the Police Officials of Bhiloda Police Station will arrest in a false case, and therefore, this petition is filed for issuance of necessary direction to the police authority to follow the directions issued by the Apex Court in the cases of **Arnesh Kumar Vs. State of Bihar & Anr. (2014) 8 SCC 273**, and **Joginder Kumar Vs. State of UP and Ors, (1994) 4 SCC 260**.
3. In such circumstances, in case the applicant sought to be arrested then, 15 days prior notice shall be given to the applicant by the Investigating officer of the Bhiloda Police Station, Dist.:

Himmatnagar, before affecting his arrest so as to enable him to recourse the remedies available with him in accordance with law and shall follow the direction issued by the Apex Court as referred in para-2 of this order. Accordingly, petition is disposed of with aforesaid observations and direction. Direct service permitted.

P.S. JOSHI

**(ILESH J. VORA,J)**