

Date: 01.03.2024

Court No.3

Item No.

**SECTION-IIB**

**IN THE SUPREME COURT OF INDIA**  
**CRIMINAL APPELLATE JURISDICTION**

**PETITION FOR SPECIAL LEAVE TO APPEAL(CRL.)NO.14489 OF 2023**

**WITH**

**INTERLOCUTORY APPLICATION Nos.231360, 231361, 231362 and**  
**241398 of 2023**

(Applications for exemption from filing O.T., exemption from filing c/c of the impugned judgment and permission to file additional documents)

TUSHARBHAI RAJNIKANTBHAI SHAH .....PETITIONER

VERSUS

STATE OF GUJARAT .....RESPONDENT

**AND**

**CONTEMPT PETITION (C) D. NO. 1106 OF 2024**

TUSHARBHAI RAJNIKANTBHAI SHAH .....PETITIONER

VERSUS

KAMAL DAYANI & ORS

..ALLEGED CONTEMNORS/RESPONDENT

**AND**

**PETITION FOR SPECIAL LEAVE TO APPEAL(CRL.)NO.537 OF 2024**

**WITH**

**INTERLOCUTORY APPLICATION Nos.5295, 5296 and 5298 of 2024**

(Applications for exemption from filing O.T., exemption from filing c/c of the impugned judgment and permission to file additional documents)

OMKARSINGH VASUDEVSINGH RAJPOOT  
AND ANR.

....PETITIONERS

VERSUS

STATE OF GUJARAT .....RESPONDENT

**AND**

**PETITION FOR SPECIAL LEAVE TO APPEAL(CRL.)NO.1116 OF 2024**

**WITH**

**INTERLOCUTORY APPLICATION Nos.13644, 13648 and 13652 of 2024**

(Applications for exemption from filing c/c of the impugned judgment, exemption from filing O.T. and permission to file additional documents)

PRADIP SHASHIKANT TAMAKUWALA

....PETITIONER

VERSUS

STATE OF GUJARAT .....RESPONDENT

## OFFICE REPORT

The matters above-mentioned were listed before Hon'ble Court on 29.01.2024 alongwith an office report dated 27.01.2024, when the Hon'ble Court was pleased to pass the following order:-

**“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.”

**Contempt Petition(C.)D.NO. 1106 OF 2024**

Accordingly Cause Title was amended and the same is included in

Contempt paperbooks. Further, show cause notice was issued to the newly impleaded Respondent No.8/Alleged Contemnor.

It is further submitted that Ms. Swati Ghildiyal and Ms. Ruchi Kohli, Advocates are representing Alleged Contemnor Nos.1 to 3 and 4 respectively.

It is further submitted that Mr. Kushagra Pandey, Advocate has on 29.01.2024 filed Vakalatnama/Appearance on behalf of Alleged Contemnor No.6.

It is further submitted that pursuant to Hon'ble Court's order dated 10.01.2024, contempt notice was not issued to the alleged contemnors/respondent No.5.

It is further submitted that Mr. Ashutosh Ghade, Advocate is representing Respondent No.7/Alleged Contemnor and has on 08.02.2024 filed Affidavit on behalf of Respondent No.7. Copy of the same is included in SLP paperbooks for kind perusal of the Hon'ble Court as separate volume.

It is lastly submitted that Mr. Purvish Jitendra Malkan, Advocate has on 12.02.2024 filed Vakalatnama/Appearance on behalf of Respondent No.8/Alleged Contemnor and Written Submission. Copy of the same is included in Contempt Paperbooks for kind perusal of the Hon'ble Court as separate volume.

Service of notice is complete on all the alleged contemnors.

**SLP(Crl.) No. 14489 OF 2023 and SLP(Crl.) Nos.537 & 1116 of 2024**

It is submitted that instant matters are after notice matter.

It is further submitted that Common Sole respondent/State is represented by Ms. Swati Ghildiyal, Advocate in all the matters.

Service of show cause notice is complete.

The matters alongwith applications above mentioned are listed before Hon'ble Court with this office report.

Dated this the 29<sup>th</sup> Day of February, 2024.

ASSISTANT REGISTRAR

Copy to :-

Mr. Mohammad Aslam, Advocate

Mr. Rajiv Kumar, Advocate

Ms. Swati Ghildiyal, Advocate

Ms. Ruchi Kohli, Advocate

Mr. Kushagra Pandey, Advocate

Mr. Ashutosh Ghade, Advocate

ASSISTANT REGISTRAR