

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD****R/CRIMINAL MISC.APPLICATION (FOR ANTICIPATORY BAIL) NO.  
5680 of 2025**

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**MAHESHDAN PRABHUDAN LANGA****Versus****STATE OF GUJARAT**

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**Appearance:**

MR AJ YAGNIK(1372) for the Applicant(s) No. 1

MR VEDANT J RAJGURU(9375) for the Applicant(s) No. 1

MR MITESH AMIN, AAG with MS DIVYANGNA JHALA, ADDL. PUBLIC PROSECUTOR for  
the Respondent(s) No. 1

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**CORAM:HONOURABLE MR. JUSTICE HASMUKH D. SUTHAR****Date : 21/03/2025****ORAL ORDER**

RULE. Learned APP waives service of notice of Rule for  
and on behalf of the respondent – State of Gujarat.

- [1.0] By way of the present application under Section 482 of the  
Bharatiya Nagarik Suraksha Sanhita, 2023 (for short "BNSS"),  
the applicant accused has prayed to release him on  
anticipatory bail in the event of his arrest in connection with  
the FIR being **C.R. No.11216008240674 of 2024** registered  
with **Gandhinagar Sector-7 Police Station, District  
Gandhinagar** for the offences punishable under Sections  
316(5), 303(2), 306 and 61(2) of the Bharatiya Nagarik Suraksha  
Sanhita, 2023 (for short "BNSS") and under Sections 7(a), 8, 12,  
13(1)(a) and 13(2) of the Prevention of Corruption Act.
- [2.0] Learned advocate for the applicant submits that the applicant  
is a senior journalist working as the Senior Assistant Editor at  
*The Hindu* and he also covers Gujarat as its correspondent. The



applicant is arraigned as an accused No.1 and under one or another pretext the applicant is detained and all efforts are made to see that applicant is behind the bars. As per the allegation in the complaint, an offence being CR No.11191011240257 of 2024 was registered with DCB Police Station on 07.10.2024 pursuant to the raid conducted by the Directorate General of Goods and Services Tax Intelligence, Ahmedabad Zonal Unit and at the time of raid, from the residence of the present applicant, certain documents came to be seized in connection of the GST Offence which contained the documents of Gujarat Maritime Board (for short "GMB").

- [2.1] Further, he has submitted that, the applicant was remanded to police custody from 09.10.2024 for a period of nine days. Essentially, the purpose of such protracted custody was to identify the source of the documents allegedly found at the applicant's premises. That, during the remand period of 9 days in connection with FIR being CR No.11191011240257 dated 07.10.2024 registered at DCB Police Station, Ahmedabad City in connection with offences committed with respect to GST Act, 2017 coupled with certain provisions of IPC, the only question that was asked to the applicant was "who gave you the documents pertaining to GMB" and in presence of Police Commissioner of Ahmedabad City, it was intimated by the applicant that GMB documents have been provided to him by a corporate group called "Essar" in the month of May, 2024. The applicant is not the only one who had copy of GMB documents in question but Indian National Congress through its National Spokesperson Mr. Jairam Ramesh, Member of Parliament from Rajya Sabha also raised questions in the media in connection



with what is contained in the GMB documents that exposes actions and decisions of the State of Gujarat in favor of corporate group called 'Adani' and the concessions being granted to Adani with respect to extension of lease of ports at Mundra, Hajira and Dahej. The extension of lease purportedly before parliamentary election 2024, is obviously at the cost of public exchequer and "against policy of the State" towards extending state largesse to the private players besides creating monopoly in the filed of ports in the State of Gujarat. Above all, the GMB Papers discloses the questionable change and the "U-turn" taken by the State of Gujarat in favour of Adani group. The change in the policy purportedly extends the lease of the ports in question in favor of the Adani group for a duration that itself converts the lease into sale of ports in absence of sale deed and obviously the considerations that belongs to the State of Gujarat.

- [2.2] Further, it is alleged that the responsibility of preserving such documents and retaining its custody, lay with the employees of the concerned departments and therefore, the FIR vaguely alleged that any / some employee of GMB, without requisite permissions, stole or had the documents stolen with a criminal intent and illegally photocopied the documents, by abusing their position. None of these allegations relate to the applicant. The allegation against the applicant is that present applicant has influenced accused No.2 – employee of GMB and applicant has received very sensitive documents unauthorizedly and thereby he has committed the offence of theft as a part of criminal conspiracy. In this connection the FIR is filed wherein present applicant is arraigned as accused No.1.



[2.3] He has further submitted that even if the allegations made against the applicant are accepted as it is then also, the present applicant is not a government event and with the help of employee of GMB i.e. accused No.2, the applicant has received or stolen information / documents but till date no any inquiry or no any proceeding against the person who has supplied or provided the said document/information from the GMB is filed. The applicant has nothing to do with the said documents. Even if the allegations are accepted to be true in its entirety without admitting the same, the offence is not committed by the present applicant but by the employee of GMB and that too under the Official Secrets Act, 1923 but herein no provision of the Official Secret Act, 1923 has been invoked against the present or any accused or employee of the GMB. There was no any dishonest intention on the part of the applicant. Applicant has not received any wrongful gain or the GMB has not been caused any wrongful loss due to the act of the present applicant. Even, the allegation information / document is not in the nature of very sensitive information against the national security. The said documents were in connection of extending the contract of three ports and said contract and therefore, search was carried out and documents was found from the house of the present applicant but prior to that one press conference was held and said information was already disclosed. Even if the allegation that the applicant has received undue advantage from the said information and/or put the national security or interest at threat. Even otherwise considering the said allegation as it is, it is found genuine based on the said interview or press conference on the part of



political leader was constrained to postpone the said further activity pursuant to the said notes after publishing news item. Further, nothing is required to be recovered or discovered from the present applicant as the photocopy of the alleged document / information has already been seized by the raiding party and therefore, no custodial interrogation is required. Even, considering the quantum of punishment and as the applicant is ready and willing to join the investigation, he has requested to allow the present application.

[2.4] He has further submitted that the applicant is a reporter and to access the information is not an offence and if restrict a reporter in this manner then it would be nothing but failure of his fundamental right and being an investigative reporter or journalist, the applicant is not supposed to disclose any source of information and for that custodial interrogation is not required however, applicant is ready and willing to join the investigation. To buttress his argument, learned advocate for the applicant has relied on the following authorities.

- (i) R.K. Dalmia Etc. vs. Delhi Administration [(1963) SCC OnLine (SC) 83]
- (ii) State of M.P. & Ors. vs. Ram Singh [(2000) 5 SCC 88]
- (iii) Printers (Mysore) Ltd. & Anrs. vs. Asst. Commercial Tax Officer & Ors. [(1994) 2 SCC 434]
- (iv) Salib @ Shalu @ Salim vs. State of U.P. [2023 (0) AIJEL-SC 72166]
- (v) Yashwant Sinha vs. CBI [(2019) 6 SCC 1]
- (vi) Common Cause (coal scam) vs. UOI [(2015) 6 SCC 332]
- (vii) Romesh Thappar vs. State of Madras [1950 SCC 436]
- (viii) Brij Bhushan & Anr. vs. State of Delhi [1950 SCC 449]



- (ix) Manohar Lal Sharma (Pegasus) vs. UOI [(2023)11 SCC 401]
- (x) Indian Express Newspaper Ltd. vs. UOI [(1985) 1 SCC 641]

Further, the quashing petition filed by the applicant before the coordinate Bench of this Court has been dismissed which the applicant proposes to assail before the Hon'ble Supreme Court which is under process. As now nothing remains to be recovered or discovered from the present applicant and custodial interrogation at this stage is not necessary and the applicant is ready and willing to join the investigation, he has requested to allow the present application and grant anticipatory bail.

- [3.0] Learned Additional Advocate General Mr. Mitesh Amin assisted by learned APP Ms. Jhala appearing on behalf of the respondent – State has opposed grant of anticipatory bail looking to the nature and gravity of the offence and submitted that the applicant is involved in serious offence which is against the State wherein very sensitive and confidential material has been stolen and applicant has received the said information and used the same with ulterior motive and same has been received by the applicant with intent to get it circulated. In view of section 61(2) of the BNSS, applicant is part of conspiracy and employee of the GMB has provided the said document in aid of section 8(1)(i) and (iii) of the PC Act in abatement of the said unauthorized and illegal act on the part of the employee of the GMB proceedings are invoked and investigation is going on. During the investigation involvement



of the officials of the GMB is found but due to unavoidable circumstances, considering the illness and hospitalization, he is not arrested. This is not a case where prosecution has started the investigation in air and no material is collected to connect the applicant in an offence. As the provisions of the PC Act are invoked, in such circumstances, the Court should not entertain such application for anticipatory bail in view of the decision of the Hon'ble Supreme Court in the case of **Devinder Kumar Bansal vs. State of Punjab** reported in **2025 INSC 320** more particularly paragraphs 12, 19 and 21 and submitted that in order to invoke the provisions of PC Act, attempt itself is enough. Herein, the present applicant has influenced and made an attempt to influence and try to get sensitive information of the GMB Board and provided to the political agencies. Considering the aforesaid fact, without any reliable source the applicant has not only received the information but has tried to get such document by adopting unauthorized means and he has contacted the employee of other firms and statements of such witnesses recorded under Section 183 of the BNSS / section 164 of the CrPC clearly reveal the involvement of the present applicant for receiving the said documents. The applicant has also parted with the consideration which is nothing but illegal gratification and enough to invoke the provisions of sections 13(1)(a) and 13(2) of the PC Act and to make an attempt to provide or to offer bribe or such illegal gratification itself is an offence under the PC Act.

- [3.1] During the remand period, in another offence, it was wound that as per the reply of the complainant, he had received the said documents from one company viz. Essar Oil but he has



nothing to do with an offence. He has used as a platform the said company. Considering the aforesaid fact and complicity of allegation and nature of allegations, custodial interrogation is required as question of theft of secret information of GMB is involved and obviously theft of such document and to keep in possession such stolen property unauthorizedly clearly reveals dishonest intention on the part of the applicant and he has relied on Section 221 of the BNSS which squarely governs the offence and the coordinate Bench in the proceedings of quashing petition has been pleased to observe that the applicant has unauthorizedly shifted the document / movable property in aid of employee of GMB and thereby the applicant has abetted the offence dishonestly and applicant having antecedent. Hence, he has requested to dismiss the present application as custodial interrogation is required.

[4.0] Heard learned advocates appearing for the respective parties and perused the investigation papers.

[4.1] The offences registered against the applicant are under Sections 316(5), 303(2), 306 and 61(2) of the BNS and sections 7(a), 8, 12, 13(1)(a) and 13(2) of the PC Act. A complaint is filed by one Kalpesh Vithlani, General Manager of GMB on 22.10.2024 alleging that the accused person has under his personal influence with intention to get benefit, by instigating one employee of the GMB though he happens to be government servant, got stolen government's very important and sensitive and documents unauthorizedly and thereby he has committed an offence of criminal breach of trust and cheating with government as part of criminal conspiracy.



- [4.2] Perusing the investigation papers it appears that present applicant is not a government servant. In aid of sections 8 and 12 of the PC Act, he has been arraigned as an accused as he has abetted the offence. Applicant is arrested in connection with another offence under the GST Act and he is in judicial custody at Sabarmati Central Jail, Ahmedabad, but he has preferred present anticipatory bail application in view of decision of Hon'ble Supreme Court in the case of **Dhanraj Aswani vs. Amar S. Mulchandani** reported in **2024 INSC 669** wherein it is observed and held that there is no bar to entertain the anticipatory bail application merely because the accused is in judicial custody in connection with another offence.
- [4.3] At the outset, it is apposite to take note of the fact that prior to filing present application, applicant had preferred Special Criminal Application No.11612/2024 for quashing which came to be dismissed on 17.02.2024 by the coordinate Bench by coming to conclusion that *prima facie* offence is made out. Hence, for the limited extent to deal with submission made by learned advocates for respective parties only for the purpose of considering the allegation and role attributed to the applicant are discussed keeping in mind settled principles and parameters of granting anticipatory bail like nature and gravity of accusation as detail examination of evidence is not permissible.
- [5.0] Herein, applicant is not a government servant or agent of the GMB. No case or allegation or material which suggests entrustment of property to applicant by the GMB or the government or no case is made out that the applicant having



dominion over the allegedly stolen property / documents of government or GMB and no any direct material which depicts that with dishonest intention applicant has moved property / documents of the government or GMB. Whatever the allegation even if accepted as it is, even though that is against employee of GMB i.e. proposed accused No.2, who is yet to be arraigned as accused. Allegation against present applicant is to hatch the conspiracy with such employee of GMB i.e. proposal accused.

[5.1] Applicant is a journalist and he has received the copy of information / documents of GMB which was handed over in one envelope by the employee of GMB to the present applicant however, till date, said employee is not arrested or no specific role of such employee spelled out either during the preliminary inquiry by GMB or investigating agency during five month of investigation i.e. after registration of FIR. Perusing the record, which is submitted for perusal of Court, during the course of hearing, it appears that present applicant came in contact of one employee of the GMB and winning over his trust, he has received the sensitive information of GMB Board in connection of extending the lease contract of three ports. After receiving the said envelope of documents, subsequently the applicant has given "**gift**" to the said employee.

[5.2] On the bare perusal of the statement recorded during the investigation, it appears that one envelope was handed over to the applicant but nothing is clear that the said envelope contained the said documents or any other material. Even if we accept that the said documents were provided to the applicant



then also the said documents were copy of documents / information and not the original one and was not moved with dishonestly by the present applicant. If employee of GMB had leaked or provided such confidential information of his office to any third party it would amount to breach of service condition and conduct Rules, for that such employee has to face consequences of departmental proceedings. It is needless to say that if such sensitive information which adversely affect the interest and integrity of nation and larger interest of public or of any country having treaty which put on peril the national security of any country or nation then it is prohibited and punishable under the Official Secrets Act, 1923 but said provisions are not invoked.

[6.0] Now, turning back to the facts of the case on hand, herein provisions of the PC Act are invoked. So far as the PC Act is concerned, to offer illegal gratification itself is a cognizable offence but punishable with sentence upto 7 years. In aid of section 7(a) of the PC Act, merely an attempt to offer illegal gratification is also an offence. Herein, no any evidence which suggests that to obtain such information, present applicant has provided illegal gratification to any public servant. Perusing the statement it appears that applicant has provided "**gift**" and so far said alleged gift is received by the employee of GMB, he is proposed accused or witness, is also not clear.

[6.1] It is needless to say that, for illegal gratification many synonyms and code words or sign being used. It may be in cash or kind. Herein, case on hand perusing investigation papers it reveals that accused has made one statement before one



witness whose statement is also recorded under section 183 of the BNSS. Through him present applicant came into contact of another employee of GMB who happens to be friend of said witness / middleman. That, applicant has given "**gift**" to his friend and based on said fact, learned AAG has argued that said cover of "gift" was illegal gratification parted by the applicant to influence the employee of GMB and except this no any other material is on record or in the investigation papers to invoke the provisions of the PC Act.

- [6.2] The argument canvassed by the learned AAG is not acceptable mainly on two counts namely (i) the statement made by accused himself before one witness / middleman is nothing but inculpatory statement of accused and (ii) nothing clearly reveals from the perusal of equivocal statement made by the accused before the witness as to '**gift**' was given for whom and for what purpose i.e. for the proposed accused or for witness (middleman). Even, it was parted for accused or witness (middleman) is also not clear as sections 7(a), 8 and 12 of the PC Act are invoked against the applicant based on aforesaid statement / material. Even, if we accept the alleged "**gift**" was given to proposed accused then who is servant / employee of GMB. As per Gujarat Civil Service (Conduct) Rule, 1971 (Amendment dated 26.10.2019) in certain circumstances, gift is acceptable subject to provision of Rules 13, 13(2) and 13(3). If employee accept the gift from relative or near friend beyond the prescribed limit then it is breach or violation of the Conduct Rules which leads to misconduct and subject to departmental proceedings. Herein, proposed accused i.e. employee of GMB has accepted the gift then he is liable for the



departmental proceedings. In absence of clear evidence of offer, demand or acceptance of illegal gratification merely based on assumption provisions of PC Act is invoked. Rules 13(2) and 13(3) of the Gujarat Civil Services (Conduct) Rules, 1971 (Amended on 26.10.2009) permits the government servant or any member of his family or any person acting on his behalf may accept the gift from near relatives or from personal friends but the value of such gift shall not exceed Rs.1500/- in case of Class-I Officer; and Rs.500/- in case of Class-III Officer. At this stage, perusing the investigation papers, it appears that the applicant had stated to one witness that he has given the gift to his friend but same was in lieu of providing information or for any other purpose is nowhere clearly stated because of accused himself informed to one witness though came into contact of friend of said witness to whom he has given a gift but for what purpose same was parted is not coming on record and it is doubtful that merely based on assumption it is treated as illegal gratification but he has to give an intimation to department and if accepts the gift without sanction then it is breach of service rule and misconduct of employee of GMB.

- [7.0] *Be that as it may*, offence under Section 7(a) of the PC Act is punishable upto 7 years and in case of conspiracy, direct evidence would hardly be available and is required to be interfered based on the attending circumstances. If we consider the attending circumstances even though no such sensitive information is found being stolen by the applicant. Allegations qua copy of document is concerned, it is with regard to extending the lease contract of three ports if it may be assessed as public information. Herein, no any allegation



that, using the said document or information, applicant has extorted money or received any wrongful gain or caused wrongful loss to the GMB or government and even otherwise information is available with the department and merely copy was stolen. But merely possession of said copy of information / document would not lead to presumption that said information was moved with dishonest intention. As the said information was available with the department and obviously the information with the government office is always accessible under the RTI Act and even on public domain access was permissible subject to RTI Act or Rules and if the accused in capacity of a reporter has got the information or any material it would not amount to dishonest intention as under Article 19 of the Constitution of India, subject to reasonable restriction, access to such material is permissible and it is a fundamental right of a citizen. Keeping in mind the ratio laid down by the Hon'ble Supreme Court in the case of **Birla Corporation Limited vs. Adventz Investments and Holdings Limited and Others** reported in **(2019) 16 SCC 610**, to obtain or making copies of documents temporarily removed from the lawful custody for the purpose of extracting information contained therein, in the judicial proceedings, would not amount to theft.

- [8.0] The Hon'ble Supreme Court in the case of **Prabha Dutt v. Union of India** reported in **AIR 1982 SC 6** has held that, "the right to know news and information regarding administration of the Government is included in the freedom of press. But this right is not absolute and restrictions can be imposed on it in the interest of the society and the individual from which the

press obtains information. They can obtain information from an individual when he voluntarily agrees to give such information". Further, in the case of **Romesh Thappar v. State of Madras** reported in **AIR 1950 SC 124**, the Hon'ble Supreme Court held that, "freedom of speech and of the press lay at the foundation of all democratic organizations, for without free political discussion no public education, so essential for the proper functioning of the process of popular government, is possible. The expression 'freedom of press' is part of the ambit of article 19 and it means the right to print and publish without any interference from the state or any other public authority. But this freedom, like other freedoms, cannot be absolute but is subject to well known exceptions acknowledged in the public interests, which in India are enumerated in Article 19(2) of the Constitution". Further, in the case of **State of U.P. v. Raj Narain** reported in **(1975) 4 SCC 428**, the Hon'ble Supreme Court observed that, "the right to know is derived from the concept of freedom of speech and that the people of this country have a right to know every public act, everything that is done in a public way, by their public functionaries."

Herein, in the case on hand, proposed accused or employee of GMB has parted the information to the applicant.

- [9.0] Learned AAG appearing for the respondent – State has relied on the decision of the Hon'ble Supreme Court in the case of **Devinder Kumar Bansal (Supra)**, as regards offence under the PC Act. Perusing the nature of information and allegations against the accused, *prima facie* it appears that applicant has not received any wrongful gain or has not caused any wrongful loss either to the GMB or the government or no one has filed



the complaint that the applicant has misused said information to extort money. Considering the aforesaid fact, *prima facie*, no material which suggests that larger public interest being jeopardized or adversely affected by the act of the present applicant. Considering the aforesaid fact merely complaint is registered invoking the provisions of the PC Act in absence of any evidence of criminal misconduct, acceptance of illegal gratification and recovery or demand of any illegal gratification, question does not arise to reject the present application based on the decision of the Hon'ble Supreme Court in the case of **Devinder Kumar Bansal (Supra)**.

- [9.1] It is needless to say that each case, more particularly a criminal case depends on its own facts and a close similarity between one case and another is not enough to warrant like treatment because a significant detail may alter the entire aspect. In this regard reference is required to be made to the decision of the Hon'ble Supreme Court in the case of **Parasa Raja Manikyala Rao And Anr vs State Of A.P.** reported in **AIR 2004 SC 132** as well as in the case of **Zee Tele films Ltd. vs. Union of India** reported in **(2005 (4) SCC 649)**.

Herein, the applicant is a private person and illegal gratification itself is in question.

- [10.0] Insofar as other allegation *qua* application of sections 316(5) of the BNS and sections 13(1)(a) and 13(2) of the PC Act are concerned, the applicant is not a clerk or employee of GMB and no allegation of entrustment of property and other offences under Sections 303(2), 306 and 61(2) of the BNS, obviously are all punishable with imprisonment upto 7 years and *prima facie*



involvement of the applicant in alleged offence is not found and further, nothing is required to be recovered or discovered from the present applicant as the said documents / information has already been seized by the investigating agency during the remand of accused in another offence and is within the knowledge and possession of the authority. Considering the aforesaid aspects and the fact that applicant is ready and willing to join the investigation, in view of the decisions of the Hon'ble Apex Court in the case of **Arnesh Kumar v. State of Bihar** reported in **(2014)8 SCC 273; Satender Kumar Antil v. Central Bureau of Investigation & Anr.** reported in **(2022)10 SCC 51** and **Md. Asfak Alam vs. State of Jharkhand and Another** reported in **2023 SCC OnLine SC 892**, as the offences are punishable with imprisonment upto 7 years, present application deserves consideration.

[11.0] Herein, the applicant is a journalist / reporter and he is not supposed to disclose his source of information as per the law laid down by the Hon'ble Apex Court in the case of **Manohar Lal Sharma (Pegasus) vs. UOI [(2023)11 SCC 401]**, the Hon'ble Supreme Court has observed as under:

*"44. An important and necessary corollary of such a right is to ensure the protection of sources of information. Protection of journalistic sources is one of the basic conditions for the freedom of the press. Without such protection, sources may be deterred from assisting the press in informing the public on matters of public interest.*

*45. Having regard to the importance of the protection of journalistic sources for press freedom in a democratic society and the potential chilling effect that snooping techniques may have, this Court's task in the present*



*matter, where certain grave allegations of infringement of the rights of the citizens of the country have been raised, assumes great significance. In this light, this Court is compelled to take up the cause to determine the truth and get to the bottom of the allegations made herein."*

Though upon instructions, learned advocate for the applicant has submitted that applicant is ready and willing to join the investigation and he is even ready to undergo remand or police custody for a limited purpose though he is not supposed to disclose any source of information as a investigative journalist.

[11.1] Offence is registered on 26.10.2024. During five months' period whatever material is collected by the IO is perused and alleged documents are already seized by the investigating agency. Hence, no custodial interrogation is required. At this stage, it is apposite to refer to the decision of the Hon'ble Supreme Court in the case of **Siddharam Satlingappa Mhetre vs. State of Maharashtra and Ors.** reported in **(2011) 1 SCC 6941**, wherein the Hon'ble Apex Court reiterated the law laid down by the Constitution Bench in the case of **Shri Gurubaksh Singh Sibbia & Ors.** reported in **(1980) 2 SCC 665** and also the decision in the case of **Sushila Aggarwal v. State (NCT of Delhi)** reported in **(2020) 5 SCC 1**.

[12.0] Though the applicant is having past antecedent, he is released in three cases on bail and there is no flight risk and present applicant is considered for anticipatory bail only in connection with his involvement in the impugned offence and considering the nature and gravity of the alleged offence and there being no societal interest adversely affected and hence, keeping in



mind the concept of personal liberty, present application deserves consideration.

[13.0] Ergo, present application is allowed by directing that in the event of **arrest / appearance** of the applicant in connection with the FIR being **C.R. No.11216008240674 of 2024** registered with **Gandhinagar Sector-7 Police Station, District Gandhinagar**, the applicant shall be released on bail on furnishing a personal bond of **Rs.10,000/- (Rupees Ten Thousand Only)** with one surety of like amount on the following conditions that applicant :

- (a) shall cooperate with the investigation and make himself available for interrogation whenever required;
- (b) shall remain present at the concerned Police Station as and when intimated by the I.O. for the purpose of investigation;
- (c) shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the fact of the case so as to dissuade him from disclosing such facts to the court or to any police officer;
- (d) shall not obstruct or hamper the police investigation and not to play mischief with the evidence collected or yet to be collected by the police;
- (e) shall at the time of execution of bond, furnish the address to the investigating officer and the court concerned and shall not change his residence till the final disposal of the case till further orders;
- (f) shall not leave India without the permission of the Court and if having passport shall deposit the same before the Trial Court within a week;
- (g) an order of anticipatory bail does not in any manner limit or restrict the rights or duties of the police or investigative agency, to investigate into the charges



against the applicant;

(h) It is open to the police or the investigating agency to move the learned trial Court for a direction under Section 483(2) of the BNSS to arrest the accused, in the event of violation of any term, such as absconding, non-cooperating during investigation, evasion, intimidation or inducement to witnesses with a view to influence outcome of the investigation or trial, etc.-

[14.0] At the trial, the Trial Court shall not be influenced by the *prima facie* observations made by this Court while enlarging the applicant on bail.

[15.0] Rule is made absolute to the aforesaid extent. Application is disposed of accordingly. Direct service is permitted.

**(HASMUKH D. SUTHAR, J.)**

*Ajay*