

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/SPECIAL CRIMINAL APPLICATION (DIRECTION) NO. 14995 of 2024

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RADHIKKUMAR JAYANTIBHAI DHAMELIYA

Versus

STATE OF GUJARAT & ORS.

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Appearance:

PRASHANT V CHAVDA(8510) for the Applicant(s) No. 1

MR. CHINTAN DAVE, APP for the Respondent(s) No. 1

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CORAM: HONOURABLE MR. JUSTICE SANDEEP N. BHATT

Date : 17/01/2025

ORAL ORDER

1. The present petition is filed for seeking the following reliefs:

“A. YOUR LORDSHIPS may be pleased to allow this petition;

B. YOUR LORDSHIPS may be pleased to direct respondent no. 2 i.e. The Commissioner of Police, Ahmedabad to initiate legal/ departmental proceedings against Respondent no. 3 i.e. Police Inspector, Anand Nagar Police Station, Ahmedabad for giving special treatment to accused no. 1 & 2 in FIR being FIR No. 11191001240233 of 2024 registered on 10.09.2024 at Anand Nagar Police Station, Ahmedabad under Section 406, 420 and 114 of Indian Penal Code.

C. Be pleased to pass such other and further orders as the

nature of the case may be required and the Honourable Court may deem thought fit to pass such order.”

2. Heard Mr. Prashant Chavda, learned advocate for the petitioner and Mr. Chintan Dave, learned APP for the respondent – State.

3. Mr. Prashant Chavda, learned advocate for the petitioner has submitted that other similarly situated persons namely Daksh Kailasgiri Goswami and Arohiben Patel, who are arrested, are released on bail on the same day, and no remand qua them is sought for and for the present petitioner, remand is sought for and after completion of remand, the concerned JMFC Court has released him on bail, but though the similarly situated persons, who are named in the FIR, who are having almost almost identical role in the offence committed pursuant to some transaction regarding VISA, differential treatment is given by the officers of the Anandnagar Police Station with the present petitioner and other accused and, therefore, he has submitted that necessary direction should be issued to the Police Commissioner to look into the matter and do needful as prayed in the prayer clause.

4. Mr. Chintan Dave, learned APP for the respondent – State, upon instructions from the concerned officer, has submitted that when accused - Daksh Kailasgiri Goswami was arrested, it is found that he was having Cancer and earlier also, he was detected twice with Cancer and at the relevant point of time, he was suffering from Cancer and another accused - Arohiben Patel is a lady accused. Hence, considering the normal practice, remand is not sought for and as per his instructions from the officer from the concerned Police Station, main role is played by the petitioner in the offence and, therefore, remand was required to be sought for him and the same is sought accordingly, and thereafter, he was released on bail by the concerned Court. Hence, it cannot be said that differential treatment is given to the present petitioner or special treatment is given to the accused - Daksh Kailasgiri Goswami and Arohiben Patel.

5. Considering the totality of the facts and circumstances of the present case, *prima facie*, this Court is not satisfied with the explanation given by the concerned Police Authority and, therefore, without

entering into the merits of the matter, ultimately, the aforesaid differential treatment can be considered as administration function of the concerned Authority to look into such matter, let the concerned D.C.P. Zone – 7 look into the allegations made in the present matter, and if it is found correct, hold proper inquiry and take necessary action.

6. With above observation, the present petition is **disposed of.**

DIWAKAR SHUKLA

(SANDEEP N. BHATT,J)