

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CRIMINAL APPLICATION (QUASHING) NO. 8894 of 2025**

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BHARAT CHANDUBHAI DULABHJI ZALA**Versus****STATE OF GUJARAT**

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Appearance:**MR OI PATHAN(7684) for the Applicant(s) No. 1****MR MANAN MAHETA, APP for the Respondent(s) No. 1**

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CORAM:HONOURABLE MR. JUSTICE HASMUKH D. SUTHAR**Date : 30/06/2025****ORAL ORDER**

Rule. Learned APP waives service of notice of Rule on behalf of respondent-State.

1. Heard learned advocate for the respective parties.
2. By way of the present petition under Articles 226 and 227 of the Constitution of India read with Section 528 of the BNSS, the petitioner is seeking conversion of Non Bailable Warrant issued on 15.03.2025 by the learned Additional Chief Judicial Magistrate, Kheda in connection with Criminal Case No.253/2022.
3. It is the case of the petitioner that the petitioner had filed exemption application which came to be dismissed and surety of the petitioner was cancelled and amount of Rs.25,000/- came to be forfeited, petitioner was not aware of the said fact however, there was no intention on the part of the petitioner in not attending or remaining present before the trial Court. He has further submitted that without issuance of summons or bailable warrant straightway,

non-bailable warrant came to be issued and in this regard, he has referred to the Rojkam of the learned Trial Court.

4. On perusal of the record and Rojkam, it appears that the application Exh.17 seeking adjournment filed by the petitioner came to be dismissed and straightway Non Bailable Warrant came to be issued without issuing Bailable Warrant.

5. Considering the aforesaid fact, *prima facie*, it appears that without clarifying the issuance of the summons and bailable warrant, non-bailable warrant came to be issued against the present petitioner. Considering the law laid down by the Hon'ble Apex Court in case of **Satender Kumar Antil v. Central Bureau of Investigation & Anr.** reported in **(2022)10 SCC 51** and as the petitioner has shown his *bona fide* and his willingness to appear before the Court, a case is made out for interference and non-bailable issued vide order dated 15.03.2025 is converted into bailable warrant in the sum of Rs.10,000/-. The learned trial Court is directed to impose suitable terms and conditions to secure the presence of the present petitioner, during the trial.

6. **Petitioner shall have to appear before the Learned Trial Court on 07.07.2025 without fail.** Present petition is disposed of accordingly. Rule is made absolute to the aforesaid extent.

Direct service is permitted.

(HASMUKH D. SUTHAR, J.)

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