

**(2025) 12 GUJ CK 0004**

**Gujarat High Court**

**Case No:** R/Criminal Misc.Application (For Anticipatory Bail) No. 22380 Of 2025

S. Raghunath S/O P. Sunderrajan

APPELLANT

Vs

State Of Gujarat

RESPONDENT

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**Date of Decision:** Dec. 11, 2025

**Acts Referred:**

- Bharatiya Nagarik Suraksha Sanhita, 2023-Section 482
- Indian Penal Code, 1860-Section 120B, 409, 420, 465

**Hon'ble Judges:** Utkarsh Thakorbhai Desai, J

**Bench:** Single Bench

**Advocate:** Dakshesh Mehta, Rushang D Mehta, Dhruvil G Merchant, Tirthraj Pandya

**Final Decision:** Disposed Of

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### **Judgement**

Utkarsh Thakorbhai, J

1. The applicant who is apprehending his arrest at the hands of DCB Police Station, Ahmedabad City, has approached this Court praying for anticipatory bail under Section 482 of the BNSS, 2023.

2. The applicant along with other co-accused, are alleged to have committed the offences under Sections 409, 420, 465 and 120 B of the IPC, which came to be registered vide part A C.R. No. 11191011250299 of 2025, with DCB Police Station, Ahmedabad City.

3. Heard learned advocate Mr. Hriday Buch, assisted by learned advocate Dakshesh Mehta, who has at the outset submitted that, the applicant is a Chartered Accountant and the applicant does not have any nexus with the transactions in question. The allegation against the applicant pertains to he having procured a false credit letter issued by Soleil Chartered Bank, New York. The principal accused has been arrested. The applicant was only discharging his duties as a Chartered Accountant upon advice from the principal accused. He is in no way benefited by

any of the transactions between the original complainant and the principal accused. The applicant had neither ordered raw materials for pharmaceuticals from the original complainant, nor had issued cheques to the original complainant for the outstanding dues, and had only facilitated the bank guarantee and the letter of credit of the accused company which was given to the complainant. Hence, it is prayed that, this application be allowed in the interest of justice.

4. Heard learned APP Mr. Tirthraj Pandya on behalf of the respondent-State, who has submitted that there is direct involvement of the applicant, who is a Chartered Accountant, and though he knew that Soleil Chartered Bank, New York never existed, a credit letter issued by the said bank was given to the original complainant, and he had facilitated the crime along with the main accused, and though the main accused had purchased different raw materials from the original complainant amounting to Rs. 8,54,89,492/- and though some of the amounts were paid, for the remaining amounts, cheques were given which were dishonored, hence this application should be rejected.

5. At the outset, on perusing the FIR, it appears that the applicant had given the credit letter given by Soleil Chartered Bank, New York, upon instructions from co-accused Vikas Sharma. It also can be gathered that, it was the accused Vikas Sharma who had asked the original complainant to send him the raw materials of pharmaceuticals, pursuant to which, the original complainant had sent the same from his company Alcove International. It also transpires that, upon insistence from accused Vikas Sharma, the original complainant had opened a demat account in ICICI Bank. As per the affidavit of the I.O. which was submitted before the Sessions Judge, it appears that, the applicant had given a letter of credit to the original complainant which proved to be fake, however, as per the say of the complainant himself, the said letter of credit was given to him by the applicant, upon instructions from accused Vikas Sharma. It is true that, the applicant is having antecedents, however, the present application has to be decided in context of his role in the present FIR only.

6. Considering the fact that, the investigation is at a nascent stage and the I.O. is investigating regarding the letter of credit issued by Soleil Chartered Bank, New York, which was given by the applicant to the original complainant, the applicant's presence would be required for investigation. Accordingly, the applicant is directed to remain present before the Investigation Officer on 18.12.2025 and co-operate with the I.O.

7. The Investigating Officer is directed to scrupulously follow the proposition of law as settled by the Hon'ble Supreme Court in the case of Arnesh Kumar Vs. State of Bihar, reported in (2014) 8 SCC 273, in case of Satender Kumar Antil Vs. Central Bureau of Investigation & Anr., reported in (2022) 10 SCC 51 and in case of Md. Asfak Alam Vs. State of Jharkhand & Anr., reported in 2023 SCC OnLine SC 892 and also inform about the grounds of arrest, if needed, to learned Magistrate and even the

learned Magistrate before mechanically authorizing the detention of the applicant shall follow the dictum of the Hon'ble Supreme Court in the aforesaid decisions.

8. In case, the Investigating Officer needs to arrest the applicant, notice of 7 days shall be given to the applicant prior to such arrest.

9. In view of the above, the present application stands disposed of.