

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/CRIMINAL MISC. APPLICATION NO. 8266 of 2020

SHAH VIJAYBHAI ARVINDBHAI

Versus

STATE OF GUJARAT

Appearance:

MR ASHISH M DAGLI(2203) for the Applicant(s) No. 1

MS. MOXA THAKKAR, APP for the Respondent(s) No. 1

CORAM: **HONOURABLE MS. JUSTICE BELA M. TRIVEDI**

Date: 25/06/2020

ORAL ORDER

1. Today, the Superintendent of Police, Mr. Ajeet Rajyan, Dy. Superintendent of Police, Mr. R. L. Solanki and the PSI Mr. P. H. Jadav have joined the hearing through video conferencing, as directed by the Court vide the order dated 24.6.2020. The Superintendent of Police Mr. Ajeet Rajyan stated that there were two more persons present in his office i.e. Tofik Salimbhai Vhora and one Alpesh Rameshbhai Patel.
2. It may be noted that yesterday the Superintendent of Police had forwarded the report of the Dy. Superintendent of Police along with the statements of Niranjnabhai Patel and Tofik Salimbhai Vhora, as directed by the Court in the order passed on 23.6.2020.
3. So far as the statement of Niranjnabhai Patel

recorded by the Dy. Superintendent of Police, Mr.Solanki on 23.6.2020 is concerned, he had stated inter alia that he was elected as the MLA of Petlad Constituency, from the Congress Party. During the said election, the applicant Vijaybhai Arvindbhai Shah and his wife Vignatriben, who belong to the congress party had helped him in winning the election, and therefore, he had family relations with the said Vijaybhai. As regards the call in question, he had stated that he had never made any such call or had never asked anybody to make such call on his behalf. Since he had family relations with Vijaybhai, and since Vijaybhai was the active worker of the Congress Party, there was no question of pressurizing the police department or anybody to make arrest of Vijaybhai.

4. So far as the statement of Tofik Salimbhai Vhora, from whose mobile the call in question was made, is concerned, he had stated inter alia that on 22.6.2020 at about 8:30 am, when he was in his shop, named Faiz Xerox and Mobile, situated at Rajdeep Complex, near the hospital of Dr. Mahendra Shah, one person wearing sleeveless T-shirt and short pants, with black mask on the face, had come to his shop and asked him whether any STD/PCO facility was available in his shop. When he said that such facility was not available, that person requested him to use his mobile phone to make a call to Delhi as

he had some urgent work. He (Tofik Salimbhai) therefore permitted him to make the call from his mobile. The said person had remained in his shop for about ten minutes and thereafter had told him that he could not make any call as the other side was not picking up his call. Thereafter the said person had asked for the charges, but Tofikbhai refused to take any charge, and therefore, the said person purchased some packets of mouth refreshers worth Rs.30/- from his shop. That person thereafter left his shop. Tofikbhai has further stated that there was a CCTV Camera installed at the hospital of Dr. Mahendra Shah, situated adjacent to his shop and in the CCTV footages recorded in the said camera, the person who had visited his shop was seen.

5. Since the Court had certain queries, on the receipt of the said statements, the Court yesterday had asked the Superintendent of Police, Dy. Superintendent of Police and PSI to join the hearing today through video conferencing.

6. Today, the Superintendent of Police conveyed the Court that the person, who was seen in the CCTV footages, was identified by the said Tofikbhai as the person, who had visited his shop on 22.6.2020 and that he has been caught and is present in the office. The Superintendent of Police Mr. Rajyan sought permission of the Court to permit him to address the Court, as he had

admitted that he had made the call and sent the messages in question on that day.

7. On the permission being granted by the Court, the said person addressed the Court from the office of Superintendent of Police, making very startling and shocking disclosure. He introduced himself as Alpesh Rameshbhai Patel, resident of Village Jitodia, near Anand. He was Mechanical Engineer, working as Insurance Surveyor and also doing agricultural work. While admitting that the call in question was made by him, he stated that the said call was made at the instance of Vijaybhai Shah i.e. the present applicant and his wife Vignatriben. According to him, his friend Nimesh Natwarlal Patel had requested him to call his another friend Rajesh Solanki, who in turn had asked him to contact the present applicant Vijaybhai Shah. Accordingly, a meeting was organized on 16.06.2020 amongst the said persons and at that time, he i.e. Alpesh Patel was requested by Vijaybhai Shah to make a call in the name of Niranjanbhai Patel to the Judge i.e. the undersigned, as the matter of anticipatory bail was listed for hearing before this Court. Vijaybhai only had given the phone number to him (Alpeshbhai). He further stated that he was told by Vijaybhai that if he made such a call and sent messages in the name of Niranjanbhai Patel, M.L.A., who was on the opposite side, he i.e. Vijaybhai would be granted anticipatory bail by

the Court. While confessing that he should not have made such a call, he stated that he was assured by Vijaybhai and his friend that he would be duly compensated for the said act. He admitted that he therefore, had gone to the shop of Tofikbhai Vhora as the call was to be made from the shop of STD / PCO. He also stated that on 23.06.2020, when he was at Dakor, the said Vijaybhai had informed him by telephone that the Court had already ordered inquiry in the matter and he should be careful. Similar call was also made to him by the said Rajeshbhai, friend of Nimeshbhai. He thereafter, had left for Gandhinagar, however, and he was caught by the LCB, Gandhinagar and brought to the office of LCB, Anand. He also stated that he had all the whatsapp messages and call records sent by said Vijaybhai.

8. The Court after hearing the said Alpesh Rameshbhai Patel, directed him to state all the facts in detail in the form of affidavit, by tomorrow so that appropriate proceedings could be initiated and action could be taken against all concerned, who are prima facie found involved.

9. In view of the above, the matter is adjourned to 26.06.2020 at 01:00 p.m. The Superintendent of Police shall forward the affidavit of Alpesh Rameshbhai Patel to the learned APP who shall in turn forward the same through E-mail to the office of the Registry, High Court, and also to

the learned advocate Mr. Dagli for the applicant. Put up tomorrow i.e. on 26.06.2020 at 01:00 p.m.

SINDHU NAIR/VINOD

(BELAM. TRIVEDI, J)

