

IN THE COURT OF 5th ADDITIONAL SESSIONS JUDGE, AHMEDABAD [R]

Criminal Misc. Application No. 71 / 2026

Exh.

Applicant/

Accused: Jagdishbhai Tulsibhai Chavda

Age : 46 years, Occupation : Service,
Resident of : N-21, Nandanvan-5,
Opp. Prernatirth Derasar, Jodhpur,
Ahmedabad.

VERSUS

Opponent :

The State of Gujarat

to be served through
Learned District Government Prosecutor
at District & Sessions Court,
Ahmedabad.

APPEARANCE

Learned Advocate for the applicant : Mr. C. K. Shah

Learned DGP for the State. : Mr. P. M. Trivedi

Subject : Application for anticipatory bail under section 482 of Bharatiya
Nagarik Suraksha Sanhita.

J U D G E M E N T

- (1) The applicant has preferred present application under Section 482 of Bharatiya Nagarik Suraksha Sanhita, seeking anticipatory bail in

connection with the FIR I No.11192018250614/2025, lodged with Dhandhuka Police Station, Ahmedabad for the offence punishable u/s. 108, 351(3), 296(b), 189(2), 190, 54 of B.N.S.

- (2) The Ld. advocate representing the applicant has argued that the applicant is innocent and has been falsely implicated in the present case on the basis of vague, baseless, and concocted allegations, which even if taken at face value do not disclose the commission of any offence under the relevant provisions of the Bharatiya Nyay Sanhita. The complaint lacks specific details regarding any act of threat, instigation, or abetment, as no particulars of date, time, words, or conduct have been attributed to the applicant, and the allegations are general and omnibus in nature. The applicant is alleged to be a conspirator; however, no material indicates any direct or active role in the alleged offence. The complaint appears to have been filed with malafide intent to exert illegal pressure and to settle prior disputes, as there exists a history of litigation and cross-complaints between both sides, including earlier FIRs, bail proceedings, and revision applications. The record further shows that the complainant's side has also been involved in prior incidents of violence against the applicant's family, and multiple proceedings are pending before competent courts. The present case does not disclose any proximate or direct act linking the applicant to the alleged suicide, nor does it establish any immediate provocation or causal connection.

The applicant has also been subjected to repeated false implications, resulting in an attempt to create a fabricated criminal history. The applicant is Police Sub-Inspector and non granting relief as prayed may damage the career of applicant. In such circumstances, arrest of the applicant would cause serious prejudice to his reputation, financial condition, and personal liberty, while no prejudice would be caused to the prosecution if anticipatory bail is granted. Therefore, in the interest of justice, the applicant deserves to be enlarged on anticipatory bail.

- (3) The Learned DGP has submitted that the present complaint might be an action of counterblast but it may not be the ground to grant the bail. Further the name of applicant is stated in the complaint itself. Now whether he has direct involvement or not is a subject matter of evidence but he is in such position that he may influence the witnesses or tamper with the evidence, so bail may be rejected.

The original complainant submitted written objections vide Exh.9. Where it is submitted that the deponent, being the original complainant in the present FIR, has opposed the anticipatory bail application on the ground that the Applicant has longstanding enmity with the complainant's family and has continuously harassed the deceased husband and family members by initiating false cases and exerting pressure. It is alleged that the Applicant, who is serving as a Police Sub-Inspector, has actively participated in the offence and misused his

official position to threaten, intimidate, and coerce the deceased to withdraw from earlier proceedings in which he was a witness. The complainant contends that the deceased was subjected to persistent harassment, threats, and false implications since 2021, which ultimately drove him to commit suicide, and that the dying declaration naming the accused is a strong incriminating circumstance. It is further alleged that the Applicant has criminal antecedents and is habituated to illegal acts, including prior FIRs under serious offences, and has been repeatedly involved in pressurizing the complainant's side through threats, inducements, and attempts to force compromise. The complainant also highlights a series of past litigations, bail cancellations, and disputes between the parties, asserting that the Applicant has consistently misused the legal process to target the complainant's family. It is argued that custodial interrogation of the Applicant is necessary to uncover the extent of harassment and threats and to collect evidence for the charge sheet. The complainant apprehends that if anticipatory bail is granted, the Applicant will further misuse his liberty to intimidate witnesses and obstruct justice. It is also pointed out that while some co-accused were granted bail on the ground of general allegations, the present Applicant is a main accused with a direct and active role, and bail applications of other similarly placed accused have been rejected. In view of these facts, the complainant has prayed for rejection of the anticipatory bail application in the interest of justice.

(4) Having duly considered the arguments presented and reviewed the affidavit filed by the Investigating Officer, as well as examined the investigation papers thoroughly and the bail application, I address the matter of the applicant's plea for anticipatory bail. Anticipatory bail is a power vested in exceptional circumstances and should not be treated as a matter of routine. It should only be granted when a special case is clearly demonstrated. Furthermore, in light of the guidelines outlined by the Hon'ble Supreme Court in the case of ***Siddhram Mhatre (Supra)***, it is imperative to carefully evaluate requests for pre-arrest bail. These guidelines provide a framework for assessing the merits of such requests and underscore the importance of considering the specific circumstances of each case before making a determination.

1. *The nature and gravity of the accusation and the exact role of the accused must be properly comprehended before arrest is made;*
2. *The antecedents of the applicant including the fact as to whether the accused has previously undergone imprisonment on conviction by a Court in respect of any cognizable offence;*
3. *The possibility of the applicant to flee from justice;*
4. *The possibility of the accused's likelihood to repeat similar or the other offences.*
5. *Where the accusations have been made only with the object of injuring or humiliating the applicant by arresting him or her.*

6. *Impact of grant of anticipatory bail particularly in cases of large magnitude affecting a very large number of people.*
7. *The courts must evaluate the entire available material against the accused very carefully.*
8. *The court must also clearly comprehend the exact role of the accused in the case. The cases in which accused is implicated with the help of Sections 34 and 149 of the Indian Penal Code, the court should consider with even greater care and caution because over implication in the cases is a matter of common knowledge and concern;*
9. *While considering the prayer for grant of anticipatory bail, a balance has to be struck between two factors namely, no prejudice should be caused to the free, fair and full - investigation and there should be prevention of harassment, humiliation and unjustified detention of the accused;*
10. *The court to consider reasonable apprehension of tampering of the witness or apprehension of threat to the complainant; Frivolity in prosecution should always be considered and it is only the element of genuineness that shall have to be considered in the matter of grant of bail and in the event of there being some doubt as to the genuineness of the prosecution, in the normal course of events, the accused is entitled to an order of bail.*

- (5) I have considered the submissions advanced by the learned advocate for the applicant, the learned DGP, and the objections filed by the original complainant, along with the material placed on record. Though it is contended on behalf of the applicant that the allegations are vague and that the complaint is a counterblast arising out of prior disputes, at this stage, it cannot be overlooked that the name of the applicant is specifically mentioned in the complaint and serious allegations have been levelled regarding continuous harassment, intimidation, and misuse of official position. The record prima facie indicates a history of disputes between the parties and allegations of persistent pressure upon the deceased, culminating in the alleged incident. The contention regarding absence of direct role and lack of specific particulars is a matter of trial and cannot be conclusively examined at this stage. Further, considering the fact that the applicant is serving as a Police Sub-Inspector, there exists a reasonable apprehension that, if enlarged on anticipatory bail, he may influence witnesses or tamper with the evidence. The necessity of custodial interrogation, as pointed out by the prosecution, also cannot be ruled out in the facts of the present case. The allegations regarding prior conduct and misuse of position, coupled with the seriousness of the offence and the material collected so far, do not persuade this Court to exercise discretion in favour of the applicant. In view of the overall facts and circumstances of the case, this Court is of the opinion that the applicant has failed to make out a case for grant

of anticipatory bail. Hence, the present application deserves to be rejected. Accordingly, I pass the following order:

-: O R D E R :-

- [1] The present application for anticipatory bail of the applicant named **Jagdishbhai Tulsibhai Chavda** is hereby rejected.
- [2] Copy of the order to be furnished to the concerned trial court and concerned police station.

Signed & Pronounced in the open Court today on this 18th day of March, 2026.

Date : 18/03/2026.

Place: Ahmedabad.

(Mr. Advait Surendra Vyas)
5th Additional Sessions Judge,
(Unique ID Code: GJ00709)