

GJBK010007242026



Received on : 25.02.2026
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Decided on : **17.03.2026**
Duration : 20 -- --
D M Y

**IN THE COURT OF SESSIONS JUDGE, BANASKANTHA
AT PALANPUR**

Exh. _____

Criminal Misc.(Anticipatory Bail) Application No.223/2026

Applicant: **Jayantilal Rayhandbhai Patel**
Age: Adult, Occu.: Business,
R/o Akesan Road, Tal. Palanpur,
District: Banaskantha.

VERSUS

Opponent: **The State of Gujarat**

Appearance:

Mr. M. M. Sindhi, L.A. for the Applicant
Mr. R. P. Vaishnav, Learned P.P. for the Opponent-State
Mr. D. G. Vaishnav, L.A. for the original complainant with
Prosecution

**APPLICATION FOR ANTICIPATORY BAIL UNDER
SECTION 482 OF THE BHARTIYA NAGARIK
SURAKSHA SANHITA**

JUDGMENT

1. This is a successive bail application filed by present applicant under Section 482 of the Bhartiya Nagarik Suraksha Sanhita for releasing him on anticipatory bail.

2. The applicant has apprehension to be arrested for the offences u/s. 465, 467, 468, 471 & 114 of I.P.C. registered with

the Palanpur Taluka Police Station C.R. No. 11195035250534/2025.

3. L.A. Mr. M. M. Sindhi, appearing for the applicant has submitted that the applicant, bearing DIN as 06959250 and has been a Director of the Company KEON REALTY PRIVATE LIMITED bearing CIN as U70200GJ2014PTC081206 since its incorporation, alongside the original complainant, Shri Dineshkumar Ambarambhai Jaganiya and other accused since incorporation i.e. 11/11/2014 and therefore it is to conclude that both are knowing to each other well and having known to the affairs of the Company. As on the date of public records available on the portal of MCA Dineshkumar Ambarambhai Jaganiya, Ashokkumar Sureshbhai Oza, Jagdishkumar Raichandbhai Patel and Jayantilal Raichandbhai Patel are the Directors and share holders of the Company having 25% shares of each in the company. The individuals have therefore shared a long-standing business association of more than a decade and participated in the management and affairs of the Company as per the public records available on the portal of MCA. With profound respect as on date the Complainant is a active director of the Company and also holding 25% equity shareholding and the offence as alleged is pertaining to the Company's property and surreptitiously the FIR is so filed as if it is partnership and the Company is not joined as party accused. The Applicant crave leave to produce on record the last annual return of the Company. It is also submitted that the genesis of the dispute clearly establishes that the Company, namely Keon Realty Private Limited, was incorporated on 11.11.2014 and has been engaged

in the business of real estate development, including purchase and sale of land as its stock-in-trade. It is an undisputed position borne out from public records of the Ministry of Corporate Affairs that the complainant and the Applicant were original promoters and Directors of the Company since inception and continue to be Directors even today, each holding an equal 25% shareholding. The balance sheets and annual returns of the Company have been regularly filed from incorporation till 2024 without objection, demonstrating transparency in corporate affairs. It is most respectfully concluded that the Audited Balance Sheets of the Company have duly been uploaded onto the MCA portal, which further demonstrates that all statutory compliances have been consistently undertaken and that the financial affairs of the Company have always remained transparent and on record. For the sake of reiteration on 16.01.2017, a valid and duly convened Board Meeting was held authorizing the Applicant to sell or mortgage the land of the Company, which constituted stock-in-trade. Subsequently, on 06.03.2017, an Extraordinary General Meeting was convened under Section 180 of the Companies Act, 2013, approving disposal of undertakings, sale or mortgage of properties and borrowing of funds. It is significant that neither the Board Resolution nor the EOGM Resolution has ever been challenged by the complainant before any Court or Tribunal. These resolutions remain valid, subsisting and binding. Pursuant to the aforesaid authorisations, the transactions of sale of immovable property were completed in the year 2021 in accordance with the Transfer of Property Act and the Registration Act, 1908. Despite being fully aware of the said transactions, the complainant did not initiate any civil

proceedings seeking cancellation of sale deeds within the prescribed limitation period of three years, nor has any such suit been filed even till date. The finality of the sale transactions therefore stands undisputed in law. Hence, the present frivolous complaint is an afterthought act and extortive process. Only on 08.02.2024 nearly three years after the completion of sale transactions, the complainant approached the Hon'ble National Company Law Tribunal by filing a petition under Sections 241-242 of the Companies Act, 2013, alleging oppression and mismanagement and seeking to challenge the very same transactions. As the Complainant could not get adequate relief to arm twist the Applicant and other accused and the Company and hence adopted the measure of filing criminal case. Thereafter, on 23.10.2024, the complainant filed a criminal complaint before the Learned Chief Judicial Magistrate, Palanpur, based on identical allegations. Upon verification, a Criminal Inquiry No. 1173/24 was registered, and the Police conducted a detailed enquiry, recording statements and examining documents. By a report dated 23.12.2024, the Police categorically concluded that no further action was required. Faced with this adverse finding, the complainant withdrew the complaint. It is needless to reiterate that the complainant lodged complaint in form of Company Petition No.5/2024 before the Hon'ble NCLT Bench at Ahmedabad by filing the same on 08.02.2024 and the said Company Petition register with the Registry and on 13.02.2024 the petition was registered. Shockingly, on 05.06.2025, the complainant lodged the present FIR for the very same cause, without disclosing the earlier criminal complaint, the police enquiry report, or the withdrawal thereof. The FIR astonishingly

alleges offences over an implausible period from 01.01.2000 to 30.06.2024 and attempts to justify the inordinate delay on the vague ground of ongoing negotiations. Such suppression of material facts and belated criminalisation clearly demonstrates mala fides and abuse of the criminal process. The sole allegation of forgery pertains to an attendance sheet of an Annual General Meeting, which has no nexus whatsoever with the sale of company property. The alleged attendance sheet does not create, extinguish or transfer any right in immovable property and cannot, by any stretch of imagination, be treated as a valuable security. Even assuming the allegation to be true, such an attendance sheet has not resulted in any transfer of property to the detriment of the complainant, rendering the very foundation of the FIR legally untenable. With profound respect such attendance sheet in question is part of the judicial proceedings before the Hon'ble National Company Law Tribunal. Furthermore the recent forensic report officially declared that, upon verification/examination of the documents it is found that, there is no offence of forgery involved. The order rejecting the earlier Anticipatory Bail of the Applicant herein passed on 01.01.2026, while the Forensic Report declaring that the signature of the Complainant is not forged is dated 06.01.2026 and immediately communication also made by the Applicant herein through his representative to the Police Station on 17.02.2026 attaching therewith the Forensic Report urging for necessary investigation pursuant to Forensic Report. Hence the present subsequent anticipatory bail application is preferred before this Hon'ble Court considering the vital change of circumstances after passing earlier order rejecting the

Anticipatory Bail. Considering the substantial change of circumstances where as per expert opinion it is found that, the signature of the Complainant is not forged and hence present successive bail application is maintainable and bail is required to be granted. Further compounding the lack of bona fides, the complainant himself failed to remain present before the Hon'ble NCLT on multiple dates, including when the matter was listed for final hearing, after changing advocates. This conduct reinforces that the complainant is not genuinely pursuing legal remedies but is selectively invoking forums to harass and pressurize the Applicant. It is respectfully submitted that the statutory audit reports of Keon Realty Private Limited, addressed to all Members including the complainant, have consistently been clean, unqualified, and free from any adverse remarks, and the same are duly filed with the Ministry of Corporate Affairs. All accounts and Related Party Transactions were disclosed in strict compliance with the Companies Act, 2013 and applicable ICAI standards, forming part of the public record. The complainant, being a Director and Member, had full knowledge and access to these disclosures at all relevant times. The belated allegation of concealment is therefore factually incorrect and contrary to the documentary record. Despite such knowledge, the complainant has initiated criminal proceedings and NCLT action after an unexplained delay of more than five years. This clearly demonstrates that the FIR is an afterthought and a mala fide attempt to harass the Applicant rather than a genuine grievance. Moreover, the present subsequent events crystal clearly demonstrates the bald allegations as made about forgery are proved bad in law and hence, the present application is

maintainable. The objections raised by the Original Complainant are self-contradictory and devoid of any bona fides. The Complainant has been fully aware of the affairs of the Company and has consistently participated in the Meetings, discussions, and resolutions placed before the shareholders. In such circumstances, the belated allegations now sought to be raised are clearly motivated and reflect an attempt to exert unwarranted pressure upon the Applicant. The conduct of the complainant clearly indicates an ulterior motive to extract financial advantage by placing the Applicant in a derogatory and coercive position for the fulfillment of his personal agenda. The FIR arises entirely from internal corporate disputes concerning functioning of a Private Limited Company. The parties are co-directors; the alleged acts relate to AGM attendance, approval of accounts, and decisions regarding company property. In view of the undisputed documentary record, the lawful authorizations, the failure of civil and corporate remedies, the earlier police enquiry closing the matter, and the filing of the FIR as an afterthought, it is evident that no prima facie offence is made out so also the recent development whereby the Expert has opined and forensic report examining whether the signature is forged or not and upon minute examination found there is no forgery and hence, it is a fit case on such subsequent events where the Hon'ble Court would be pleased to grant the present application. The Applicant's arrest if made shall be wholly unjustified, and this Hon'ble Court may graciously grant anticipatory bail as the Applicant seriously apprehends that, the Police will arrest the Applicant and would in fact adversely affect the further judicial proceedings as there shall be a one Trial for identical offence and admittedly there is

no indifferent role. The Applicant is one of the director like the Complainant and is not the author of the preparing the attendance sheet or any document and accounts as prepared are duly audited by the auditor of the Company and if there was anything unusual or against the law the Auditor of the Company could have given the qualified report as per the law but the Auditor at no point of time given any adverse remark or gave qualified report and certified the accounts as valid. The FIR on its very face reveals that the allegations arise entirely from the internal management and affairs of a Private Limited Company, including decisions relating to its immovable properties, spanning an implausible period from 01.10.2000 to 30.06.2024. The Company was incorporated in the year 2014 i.e. on 11.11.2024 then how the offence could have arisen since 01.10.2000 and hence information as provided in the FIR is deceptive and even lodging of the FIR after sequence of events and on such flimsy ground raises numerous question about using criminal mechanism as an extortive process. This itself demonstrates that grievance is purely corporate in nature and incapable of giving rise to criminal liability. The FIR thus embodies nothing more than a standing commercial dispute dressed up as a criminal accusation. Such long-drawn, continuous conduct over decades, without any contemporaneous criminal complaint, is wholly incompatible with the theory of a sudden discovery of "forgery" or "cheating" and clearly shows that the complainant is attempting to convert a long-standing corporate disagreement into a criminal prosecution. There is no allegation of dishonest or fraudulent intention at the inception of any transaction, The essential requirement of offences such as cheating, forgery for the purpose

of cheating, and using a forged document is that there must be a dishonest or fraudulent intention at the very beginning. However, the complainant's own story, even if taken at face value, only shows that he seeks to earn illicit gains by some extortive process. It does not show any fraudulent intention at the inception of the transaction. None of the offences alleged, Sections 465, 467, 468, 471, can be invoked unless a forged document is shown to be created by the Applicant with intention to cause wrongful loss or wrongful gain. The FIR contains no such allegation, much less particulars of any overt act. Mere disagreement with business decisions does not constitute criminal forgery. The complainant has suppressed material facts and prior proceedings during the process of lodging Complaint before the Police and aptly suppressed following facts of material nature. (i) he has already invoked the civil/corporate jurisdiction by filing a petition under Sections 241-242 of the Companies Act, 2013 before the Hon'ble NCLT in respect of the same company affairs; (ii) he has participated in AGMs, approved accounts and allowed audited balance sheets to be filed year after year; and (iii) the very documents now projected as "forged" are already on record before the NCLT and have never been challenged in any civil suit for cancellation. Further with immense respect the ledger also demonstrates that, the amount in question is paid to the Complainant and the applicant craves leave to produce on record the ledgers and bank statement. The reasoned order as passed by Hon'ble Court granting the regular bail to the another accused is relied upon. The Offence in question as alleged against all the accused is identical in the one FIR and there is no independent role of either of the accused. This deliberate suppression of

material facts by the complainant clearly demonstrates that he has not approached with clean hands and has attempted to mislead the process of law, thereby undermining the very bona fides of the present FIR. In view of the foregoing facts, it stands clearly established before this Hon'ble Court that the complainant had already invoked civil and corporate remedies by filing an Oppression and Mismanagement petition before the Hon'ble NCLT much prior to lodging the present FIR. The FIR astonishingly covers an unrealistic period of almost 24 years without identifying any specific act, date, document, or overt role attributable to the Applicant. Such vague and sweeping allegations, spanning over two decades, do not satisfy even the basic threshold of specificity required in criminal law and fail entirely to disclose the essential ingredients of forgery or any related offence under the IPC/BNS. The FIR, on its face, is away from trust of particulars necessary to constitute a cognizable offence and appears to be drafted only to cast a wide net without any factual foundation. The prolonged and unjustified delay reveals that the FIR is a belated afterthought, motivated by collateral considerations, and not a bona fide invocation of criminal law." It is respectfully submitted that the prosecution case is inherently civil and corporate in nature. The complainant has already invoked the statutory remedy under Section 241 of the Companies Act, 2013 by filing CP No. 05/2024 before the Hon'ble NCLT, Ahmedabad, alleging oppression and mismanagement on the very same subject matter. All documents, transactions, and grievances form part of the NCLT proceedings, thereby confirming that the dispute pertains to internal corporate affairs squarely governed by Sections 241-242 of the Companies

Act, which constitute a complete and self-contained code. Having failed to secure any favourable relief in the corporate jurisdiction and having remained absent on multiple occasions before the NCLT, the complainant has thereafter attempted to misuse the criminal machinery by lodging the present FIR, without even availing the basic civil remedy of filing a suit for cancellation of sale deeds. Such conduct clearly reflects mala fides and an attempt to give a civil dispute a criminal colour. It is settled law where a Special Act provides an exhaustive remedy, recourse to general criminal law under IPC/BNS on identical allegations is impermissible. The present FIR is therefore misconceived, legally untenable, and amounts to a gross abuse of the process of law. It is respectfully submitted that the right to life and personal liberty guaranteed under Article 21 of the Constitution is reinforced by India's international human rights obligations, including the International Covenant on Civil and Political Rights (ICCPR), to which India is a State Party. Article 9 of the ICCPR mandates that no person shall be subjected to arbitrary arrest or detention and that arrest must always be a measure of strict necessity. The Supreme Court has repeatedly affirmed that these human rights norms form part of the constitutional guarantee under Article 21. It is further submitted that the Applicant is a law-abiding and respectable member of society, permanently residing in the city of Palanpur for several years and having deep and longstanding roots in the local community. It is also submitted that the applicant resides with his family, including dependents who solely rely upon him for their maintenance and livelihood, and he is the primary breadwinner of the household. The Applicant has an established place of

residence, stable social ties, and a well-settled life within the jurisdiction of this Hon'ble Court, leaving no possibility of absconding or fleeing from justice. It is also submitted that the Applicant understands the seriousness of the present proceedings and gives his unequivocal undertaking that the liberty granted to him shall not be misused under any circumstances. It is respectfully submitted that the present application is filed pursuant to the subsequent material change in circumstances where the forensic report as received clearly reveals that the signature of the Complainant is not forged one and the incriminating materials where the allegation is made about forgery which is already a part of the Company Petition proceedings before the Hon'ble NCLT Bench at Ahmedabad and upon verification it is found that, the signature of the Complainant is not forged and considering said vital facts as revealed in the forensic report dated 6.1.2026 which is declared after the order of rejection on 1.1.2026, it has become incumbent upon the Applicant to approach for successive bail application seeking anticipatory bail on the said glaring subsequent material facts and circumstances and hence it is a fit case to grant the anticipatory bail to the Applicant. Considering the subsequent material change in circumstances the facts as narrated shall benefit such subsequent substantial material change in circumstances for granting Anticipatory Bail. With profound respect while rejecting the Anticipatory Bail Application vide order dated 1.1.2026 the Hon'ble Court was pleased to observe while rejecting Anticipatory Bail: "It further appears that disputed documents in which the forged signature of the complainant were used as genuine, are at present in the custody of the present applicant-

accused and the said documents are yet to be recovered from the present applicant-accused." At this juncture the documents i.e. the incriminating documents as referred in the Forensic report are verified minutely by the expert and opined that the signature of the Complainant is not forged and hence on the subsequent event which reveals that the documents in question i.e. the incriminating material / documents are not withheld by the Applicant as the same are minutely examined and verified scientifically from the perspective of whether the signature on such incriminating material is forged or not and the expert has opined that the signature on such incriminating documents are not forged of the complainant and hence such substantial material change circumstances entitled and enables the applicant to approach for successive application seeking anticipatory bail. It is respectfully submitted that continued incarceration of the Applicant constitutes an unwarranted and unconstitutional deprivation of personal liberty guaranteed under Article 21 of the Constitution of India. The Hon'ble Supreme Court has consistently held that the right to life and personal liberty cannot be curtailed except by a just, fair, and reasonable procedure established by law. It is respectfully submitted that the settled jurisprudence on bail unequivocally establishes that pre-trial incarceration is an exception, and personal liberty under Article 21 remains the governing rule. The **Hon'ble Supreme Court in Sanjay Chandra v. CBI, Criminal Appeal No. 2178 of 2011**, has authoritatively held that the primary purpose of bail is merely to secure the presence of the accused at trial, and that the object of bail is neither punitive nor preventive. The Court has further emphasized that deprivation of liberty, even before conviction,

amounts to a grave restriction that cannot be justified unless there exist compelling circumstances demonstrating that the accused will evade the process of law or subvert the administration of justice. In the present sets of case the arrest is not a pre-requisite for investigation at all and there is no question of distorting any evidence. Similarly, in **State of Kerala v. Raneef, (2011) 1 SCC 784, the Hon'ble Supreme Court** has expressly held that delay in the conclusion of trial is a significant factor that must weigh in favour of granting bail, as prolonged custody prior to adjudication would offend the constitutional mandate under Article 21. Further as the entire case rests solely on documentary material, all relevant documents have already been collected by the Investigating Agency, leaving no scope whatsoever for the Applicant to tamper with, fabricate, or otherwise interfere with the evidence. Further in the separate proceedings as initiated by the Complainant himself, the documents in question are already part of judicial record and hence there is no question of tampering or fabricating the same and hence there is no question of arresting the Applicant and the Applicant having strong apprehension of arrest as another accused also was arrested and remained in the custody for more than 3 months the applicant seriously apprehends that, the Police shall arrest the applicant for the very same offence and the purpose and oblique motive of the Complainant shall be adequately served to put enormous pressure on the Applicant and hence the present anticipatory bail is filed. It is also submitted that the Applicant is willing to abide by any stringent conditions that this Hon'ble Court may deem fit to impose. That in view of the facts and circumstances of the case, the nature of allegations, the civil/corporate background of the

dispute, and the settled legal position protecting the right to personal liberty, the applicant is duly entitled to the protection of anticipatory bail under Section 482 of B.N.S.S. The applicant has genuine and reasonable apprehension of arrest and such arrest shall be in sheer defiance of the Article-21 of the Constitution of India and shall be sheer travesty of justice. It is also submitted that the charge-sheet qua another accused who is also a director and 25% equity shareholder is already filed and is released on the regular bail with reasoned order dated 08.12.2025 passed in Criminal Misc. (Regular Bail) Application No. 1115/2025 by this Court. With profound respect the FIR as filed for the identical offence and the role of all the accused are identical and there is no independent role of either of the accused. In respect of present applicant the charge sheet is yet to be filed and the Applicant shall cooperate for the investigation. At this juncture it is respectfully submitted that, the alleged offence in question is summarily triable and with profound respect the trial for such alleged offence shall not be separate. At this juncture having said so about the offence which can be tried summarily and there are no separate role of either of the accused the FIR as lodged on 05.06.2025 and the charge-sheet qua accused No.1 is filed on 11.11.20225. It is also submitted that the present applicant shall be ready to cooperate with the IO but seriously apprehending the arrest and such arrest shall put the applicant into jeopardy as on the other hand for the same alleged cause the Complainant preferred the Company Petition No. 5/2024 for the acts of oppression and mismanagement where neither the Complainant nor his advocate for last few hearings are not appearing before the Hon'ble National Company Law Tribunal while the applicant

is getting represented and in case of such arrest there shall be adverse impact on the hearing which is at advance stage before the Hon'ble Tribunal at Ahmedabad furthermore such arrest would hamper the Applicant's reputation and consequentially the business and the Applicant is not a fly by night operator. The copy of the judicial orders passed by Hon'ble National Company Law Tribunal 30.10.2025 and 27.11.2025 are produced which are self explanatory. It is needless to state and submit that for the very same cause the petition seeking oppression and mismanagement filed. At this juncture the sequence of events are required to be narrated which would demonstrate that, such FIR was after thought and only to coerce and harass the Applicant and other accuseds'. 11.11.2014, the date on which the Company viz. Keon Realty Pvt ltd came to be incorporated engaged in the business of real estate and land development and buying and selling of the land where the Balance Sheet /Annual Returns of the Company admittedly filed since incorporation till 2024 and importantly the Complainant and Applicant both were the Original Promoter and Directors and till date both are the Directors of the Company. The Directors existing as on date since incorporation are: Dineshkumar Ambarambhai Jaganiya (Complainant herein), Ashokkumar Sureshbhai Oza, Jagdishkumar Raichandbhai Patel (Accused who is released on regular bail by reasoned order) and Jayantilal Raychandbhai Patel present applicant. Undisputed facts as reflected from MCA data available on public platform is produced herewith. All the Four Directors are holding 25% of the equity stake in the Company. A copy of the MCA data of the Company is produced herewith. At this juncture it is submitted that due to disruption as

created by the Complainant the Annual Return for the year ending 2025 could not be filed of the Company and the liability of such default is entirely attributable to the Complainant. On 16.1.2017-Board Meeting took place authorizing the Applicant herein to sale, mortgage the land of the Company which is in fact is stock in trade for the Company. ADMITTEDLY SAID BOARD MEETING NOT DISPUTED AND CHALLENGED BEFORE ANY COURT/TRIBUNAL. On 6.3.2017 Extra Ordinary General Meeting took place u/s. 180 of the Companies Act, 2013 for disposal of the undertaking, sale, mortgage of the properties and to borrow the funds. ADMITTEDLY SAID GENERAL BODY MEETING DECISION NOT DISPUTED OR CHALLENGED BEFORE ANY COURT/TRIBUNAL. Despite such resolution was not required under the law but as good corporate practice and governance the Company and its directors of the Private Limited Companies including the accused and complainant passed the resolution in EOGM which is undisputed. In the year 2021 Transactions took place in question of sale of the land/property in question. Undisputedly the transaction of sale under Transfer of Properties, Registration Act, 1908 completed since 2021 and SAID TRANSACTION OF SALE OF IMMOVABLE IS NOT CHALLENGED BEFORE THE APPROPRIATE COURT WITHIN 3 YEARS AND TILL DATE NOT CHALLENGED FOR CANCELLATION OF SALE. On 8.2.2024-The Petition u/s. 241/242 of the Companies Act, 2013 came to be filed by the Complainant herein for the acts of oppression and mismanagement and the petition seeking reliefs including challenging the very same transaction in question. Interestingly on 23.10.2024 One Criminal Complaint

for same offence filed with Learned Chief Judicial Magistrate at Palanpur by the Complainant herein. On 28.10.2024-It was Kept for verification. On 8.11.2024-Criminal Enquiry Number 1173/24 given to undertake the enquiry directions to the Police. On 23.12.2024 Detailed report of Police came to be filed ultimately gathering the statements and documents and came to the conclusion that, nothing further required to be undertaken. The Complainant herein upon the said report surreptitiously withdrew the Complaint. Copy of the Complaint, Report of Police and withdrawal order produced with the application. On 5/6/2025-Shockingly the FIR as aforesaid for the very same cause filed against the Accused and interestingly the Column 3 and 8 are shocking the cause is stated while giving information. At this juncture it is respectfully submitted that for the very same offence such complaint was filed and the Complainant consciously has not disclosed in the new FIR about such earlier complaint for the very same offence which is a serious abuse of the process of law and court. From 1.1.2000 to 30.6.2024 and clause 8 speaks about reasons for delay in filing is also shocking where the information given by the Complainant that "As negotiations are ongoing with the accused to settle accounts" and despite such statements, the Police lopsided purportedly investigated and purposefully not considered the earlier report filed in earlier complaint which is withdrawn and took cognizance of such bald statement and took actions of arrest and one of the accused was arrested. The FIR has not disclosed that earlier the Criminal Complaint was filed, enquire report stated to close the case and withdrawal of the complaint by the Complainant for the very same offence. Alleged Offence is about

Forgery in Attendance Sheet --- the Alleged Attendance Sheet as referred is pertaining to One Annual General Meeting and not for the Meeting where the land in question which is a stock in trade of the Company came to be sold and hence such alleged forgery of signature of the Complainant in such Attendance Sheet is pertaining to one Annual General Meeting and not for the meeting where the decision taken to transfer the property and no offence even otherwise committed whereby due to such forgery the property got vest in the hands of other party and in fact of the case there is no forgery and furthermore the Annual General Meeting is mandatorily required to be conducted for approval of accounts of the Company and till 2024-2025 the Company is ongoing and regularly the statutory returns of the Company is getting filed and it is reflected on portal of ministry of corporate affairs accessible by any one and open for public at large and such facts are undisputed. The MCA data of the Company as produced reflects the company has filed the annual returns till date. Hence it is not the signature of the Complainant which leads to any transfer of property of the Company to the detriment of the Complainant and hence entire on false premises and misleading aspects the Complaint and later on FIR lodged. The resolution as stated in foregoing paragraphs passed authorizing one of the director passed since 2017 and the Complainant is not ignorant about the same but has purposefully and with malicious intention has not stated the same and concealed the very fact. The Applicant unequivocally undertakes to cooperate with IO but seriously fears misuse of arrest powers further the Applicant respectfully submits that he apprehends arrest in connection with FIR No. 11195035250534, dated 05/06/2025, registered at

Palanpur City Police Station, for the alleged offences punishable under Sections 465, 467, 468, 471 and 114 of the Indian Penal Code (and corresponding provisions of the Bharatiya Nyaya Sanhita, as applicable) despite there being no material to warrant custodial-interrogation or deprivation of liberty. That the Applicant is entirely innocent and has been falsely and frivolously implicated in the aforesaid FIR, which has been lodged with mala fide intent and for extraneous purposes, unrelated to any genuine criminality. That the Applicant is willing to cooperate fully with the investigation, shall remain available as and when called upon by the Investigating Officer, and undertakes to furnish such bonds and sureties as may be directed by this Hon'ble Court. The Applicant further submits that he is ready and willing to furnish appropriate bail bonds and comply with any conditions that may be imposed by this Hon'ble Court. It is respectfully submitted that, the Applicant did file earlier the anticipatory bail application but withdrawn the same. Subsequently the Applicant again filed anticipatory bail application before this Hon'ble Court and upon hearing the Hon'ble Court was pleased to reject the application vide order dated 1st January, 2026 passed in Criminal Misc (Anticipatory Bail) Application No. 1226/2025. It is an admitted position of fact that after rejection of the above Anticipatory Bail, there is a material change of circumstances and hence subsequent Anticipatory Bail Application is filed. The subsequent event where the detailed forensic report declares that, the signature in question of the Complainant is not forged. The JKTA Research Centre for Advanced Security Reforms LLP account & Administration Division dated 6/1/2026 addressed to Viksha

Forensic Gandhinagar, Gujarat and there is an analysis of collected samples to determine authenticity of the signature and documents viz. Attendance sheet of 7th AGM dated 30.11.2021, Shorter Notice Consent dated 30.11.2021, Attendance sheet of 8th AGM dated 30.09.2022, Attendance Sheet of 9th AGM dated 30.09.2023 and upon analysis minutely the Expert Opinion under Section 39(1) Opinion of Expert as per Bhartiya Sakshya Adhinayam (BSA-2023) tendered. The opinion categorically declared that the writer of Red Encircled marked Dispute Signature named D-1 is not same writer who made Blue encircled marked specimen sample named S-1 to S-36 and S-37 to S-72 likewise other findings. The copy of the expert opinion is produced. It is respectfully submitted that, the present subsequent bail application considering the change of circumstances whereby the Expert Opinion got disclosed after rejection of earlier Anticipatory Bail Application and hence such material change in the circumstances entitles the Applicant herein to apply for the present Application before the Hon'ble Court. It is most respectfully submitted that, the Applicant tendered the communication to the Police Station on 17.02.2026 and attached therewith the Forensic Report. A copy of the application/communication dated 17.02.2026 to the concerned Police Station by the Applicant is produced. It is further respectfully submitted that, the necessary ledgers are produced herewith demonstrating the uprightness of the Company i.e. Keon Realty Pvt Ltd where the accuseds and the complainants are holding equal shares and are directors even as on date and furthermore the accounts demonstrates the allegations as leveled loosely are entirely misleading and false. Hence, on the aforesaid

grounds, it is requested to allow this application and to enlarge the applicant on anticipatory bail. L.A. for the applicant has produced following documentary evidence in support of his submission.

Sr.No.	Particulars of document	Mark
1	Copy of certified copy of FIR NO. 11195035250 dated 05.06.2025 and Applicant's Adhar Card	4/1
2	Copy of charge-sheet dated 01.11.2025 qua accused No.1 and copy of the order dated 08.12.2025 passed in Criminal Misc. (Regular Bail) Application No. 1115/2025 by the Hon'ble Principal District Judge at Palanpur releasing the accused No.1 on regular bail	4/2
3	The copy of the judicial orders passed by Hon'ble National Company Law Tribunal 30.10.2025 and 27.11.2025	4/3
4	Copy of First complaint dated 23.10.2024 Criminal Enquiry No. 1173/2024 and police report dated 23.12.2024 concluding nothing further required to be undertaken and withdrawal of such complaint	4/4
5	MCA Data of the Company Keon Realty Pvt. Ltd.	4/5
6	Copy of Board Meeting dated 16.01.2017 which took place authorizing the applicant herein to sale, mortgage the land of the Company and copy of General Body Resolution dated 06.03.2017 u/s. 180 of the Companies Act, 2013 and here complainant has concealed the same	4/6
7	A copy of the order dated 01.01.2026 rejecting Criminal Misc. (Anticipatory Bail) Application No. 1226/2025 of the applicant	4/7
8	A copy of the Forensic Report dated	4/8

	06.01.2026 and communication to the police dated 17.02.2026	
9	A copy of necessary ledgers	4/9
10	A copy of order passed by National Company Law Tribunal, Ahmedabad in CP/5(AHM)2024, dated 26.02.2026	11/1

4. Notice was issued. Upon notice, Learned Public Prosecutor Mr. R. P. Vaishnav appeared for the State and has vehemently opposed the bail application and submitted that if in such cases bail is granted then wrong signal goes to society, therefore, it is requested to reject the present bail application. Learned Advocate Mr. D. G. Vaishnav appeared for the original complainant with Prosecution and opposed the present bail application.

5. Investigating Officer has filed an affidavit at Exh. 10 and opposed the bail application. It is also submitted that present applicant and other co-accused formed a partnership firm namely Heaven Hospitality, sold total 21 plots and total 33 shops of the property of the partnership company namely Keon Realty Private Limited with the complainant, in the name of the partnership firm namely Heaven Hospitality and in the name of his brother and sister-in-law, thereby damaging the financial interest of the complainant. It is also submitted that the very important original disputed documents in which the complainant's forged signatures were used as genuine, were not recovered during the investigation and the present applicant is likely to create a major obstacle in the recovery of these and the investigation of this case is currently at a delicate stage, there is

possibility of creating obstacles in the investigation process as well as affecting the investigation of other absconding accused and very important evidence. It is also submitted that though notice u/s. 35(1)b(2) of B.N.S.S. was issued to the applicant-accused by the police to remain present during investigation however, he remained absent and thereby not supported in investigation. It is further submitted that during investigation statement of C.A. Bhikhabhai Dhanabhai Patel had been recorded wherein he stated that Ashokbhai Sureshbhai Oza and Jayantibhai Raichandbhai Patel who were handling the accounts of Keon Reality Pvt. Ltd. used to come to his office when the annual returns were prepared and they used to get the signatures of the directors on them and return them within the time limit. He also stated that they had taken all the returns of the Year-2021, 2022 and 2023 for the signatures of the directors and they had returned them. Ashokbhai Sureshbhai Oza and Jayantibhai Raichandbhai Patel who were handling the accounts of said company used to come to his office and the complainant Dineshbhai Ambarambhai Patel had never come to his office. He also stated that he did not give them the annual returns for the Years-2021, 2022, 2023 to sign and he has no knowledge regarding those forged signatures. It is also submitted that disputed documents in which the forged signature of the complainant was made, are at present in the custody of the present applicant-accused and the said documents are yet to be recovered from the present applicant-accused. It is also submitted that documents produced by the accused during the investigation in which Sale deed was made in the name of present applicant by accused Ashokbhai Sureshbhai Ojha and based on it, the

complainant' property of the partnership firm was sold, but during the investigation, it was found that no clarification was made either verbally or on the basis of records as to who gave this power to Ashokbhai Sureshbhai Ojha and on the basis of what resolution it was given. It is also submitted that present applicant is absconding after committing crime. It is also submitted that opinion of private handwriting expert produced by the applicant-accused cannot be believed as evidence. It is also submitted that disputed documents are yet to be recovered hence, for that purpose custodial interrogation of the applicant is required. It is also submitted that another accused Ashokkumar Sureshbhai Oza is also absconding and investigation is still going on hence, on the aforesaid grounds, it is requested to reject the present bail application.

6. Having heard the arguments advanced by both the parties, as per the catena of decisions of Hon'ble High Courts as well as Hon'ble Supreme Court, there are mainly two factors which are required to be kept in mind while deciding anticipatory bail application and also while exercising discretion to enlarge the accused on anticipatory bail.

- (1) Prima facie case against the accused.
- (2) Necessity of accused for the custodial interrogation.

7. Having heard learned advocates for both the sides and having gone through the police papers and contents of the FIR, it appears that, in present case accused is facing the charge under Section 465, 467, 468, 471 & 114 of I.P.C.. As per complaint, accused Nos.(1) Ashokkumar Sureshbhai Oza, (2) Jayantilal Raychandbhai Patel and (3) Jagdishkumar

Raychandbhai Patel, on the pretext of developing their company Keon Realty Private Limited, invested the profits of said company and their capital in Heaven Weekend Home on the outskirts of Chitrasani Village and Keon Square Complex in Chadotar Village and despite absence of the complainant in the annual meeting of the company, they made his false signatures and prepared false records and used them as genuine and sold the houses and plots built in Heaven Weekend Home and the shops in Keon Square Complex without giving him any of his share, even he is partner in Keon Realty Private Limited and he is so ready for the profits and losses that occur in the company yet they are not doing such account and thereby all the accused in collusion with each other committed alleged crime.

8. Looking to the police papers and whole material available on record, it is undisputed fact that complainant and accused are partner of Keon Realty Private Limited Company. It appears that on the pretext of developing their company Keon Realty Private Limited, accused invested the profits of said company and their capital in Heaven Weekend Home on the outskirts of Chitrasani Village and Keon Square Complex in Chadotar Village and despite absence of the complainant in the annual meeting of the company, they made his false signatures and prepared false records and used them as genuine and sold the houses and plots built in Heaven Weekend Home and the shops in Keon Square Complex in the name of their brother and sister-in-law, without giving complainant any of his share, even he is partner in Keon Realty Private Limited and thereby damaging the financial interest of the complainant. It appears from the affidavit

of the Investigating Officer that though notice u/s. 35(1)b(2) of B.N.S.S. was issued to the applicant-accused by the police to remain present during investigation however, he remained absent and thereby not supported in investigation. It also appears that during investigation statement of C.A. Bhikhabhai Dhanabhai Patel had been recorded wherein he stated that Ashokbhai Sureshbhai Oza and Jayantibhai Raichandbhai Patel who were handling the accounts of Keon Reality Pvt. Ltd. used to come to his office when the annual returns were prepared and they used to get the signatures of the directors on them and return them within the time limit. He also stated that they had taken all the returns of the Year-2021, 2022 and 2023 for the signatures of the directors and they had returned them. Ashokbhai Sureshbhai Oza and Jayantibhai Raichandbhai Patel who were handling the accounts of said company used to come to his office and the complainant Dineshbhai Ambarambhai Patel had never come to his office. He also stated that he did not give them the annual returns for the Years-2021, 2022, 2023 to sign and he has no knowledge regarding those forged signatures.

9. Looking to the whole material available on record, it appears that earlier applicant had filed Criminal Misc. Application No.1226/2025 before this Court for getting anticipatory bail. The said bail application was rejected on merits by this Court vide order dated 01.01.2026. Against that, present applicant-accused has preferred present successive bail application for getting anticipatory bail on the change of circumstances i.e. fraudulent signature of the complainant for

which there is an opinion of F.S.L. Expert and therefore, prayed to allow the application.

10. Now, looking to the change of circumstances and change for filing successive bail application that the disputed signature of the complainant is not fraudulent and for that applicant produced opinion of JKTA Research Center for Advanced Security Reforms LLP, Ahmedabad in which it is opined that no such disputed signature of the complainant is fraudulent and therefore, applicant has prayed to allow the bail application.

11. Now, looking to the grounds for filing successive bail application, the main argument and focus of the applicant is that there is no such fraudulent signature of the complainant and therefore, it is prayed to allow bail application.

12. Now, looking to the investigation papers as well as material available on record, it appears that present applicant and another accused Ashokkumar Sureshbhai Oza who are in possession of the account and handling the total account of Keon Realty Private Limited and on record it also appears that all the accused including present applicant failed to give the account to the complainant. Moreover, it is also the say of the prosecution that all the accused including present applicant invested the profits of Keon Realty Private Limited and thereby transferred the plots to their nearby relatives and therefore, the Investigating Officer though tried to provide sufficient time to the applicant-accused by giving notice to appear and to explain but applicant-accused failed and applicant-accused did not explain anything

about account details. Moreover, it appears that applicant-accused had taken loan on the said properties by keeping in dark the complainant about the bank loan transaction. So, at this juncture, merely by producing the F.S.L. report on record and the dismissal of complaint by the N.C.L.T., can one say that no offence had been committed prima facie by the present applicant-accused alongwith other accused ? It further appears that disputed documents in which the forged signature of the complainant were used as genuine, are at present in the custody of the present applicant-accused and the said documents are yet to be recovered from the present applicant-accused. It also appears that present applicant is absconding after committing crime and another accused Ashokkumar Sureshbhai Oza is also absconding and investigation is still going on hence, custodial interrogation of the present applicant-accused is required. Therefore, at this stage, looking to the role of the present applicant and gravity of the offence, I am not inclined to enlarge the applicant on anticipatory bail hence, the following order is passed.

ORDER

Present anticipatory bail application is hereby rejected.

Pronounced in the open Court today, this **17th day of March, 2026.**

PALANPUR.

Date: 17/03/2026

VISHAL

(Shubhada Krishnakant Baxi)

Sessions Judge,

B.K. DISTRICT, PALANPUR

(Code : GJ00377)