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D M Y

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

Exh. _____

Criminal Misc.(Anticipatory Bail) Application No.248/2026

- Applicants: 1. **Jayeshbhai Premabhai Dungaisha**
Age: Adult,
R/o Village: Padaliya, Tal. Danta,
District: Banaskantha.
2. **Honabhai Somabhai Dungaisha**
Age: Adult,
R/o Village: Padaliya, Tal. Danta,
District: Banaskantha.
3. **Dineshbhai Arjanbhai Angari**
Age: Adult,
R/o Village: Padaliya, Tal. Danta,
District: Banaskantha.
4. **Jonabhai Somabhai Bhagora**
Age: Adult,
R/o Village: Padaliya, Tal. Danta,
District: Banaskantha.
5. **Savabhai Bhanabhai Bhagora**
Age: Adult,
R/o Village: Padaliya, Tal. Danta,
District: Banaskantha.
6. **Manjira Arjanbhai Bhagora**
Age: Adult,
R/o Village: Padaliya, Tal. Danta,
District: Banaskantha.
7. **Bhurabhai Keshabhai Bhagora**
Age: Adult,
R/o Village: Padaliya, Tal. Danta,
District: Banaskantha.

- 8. Bhomabhai Keshabhai Parmar**
Age: Adult,
R/o Village: Padaliya, Tal. Danta,
District: Banaskantha.
- 9. Shakurabhai Bherabhai Dungaisha**
Age: Adult,
R/o Village: Padaliya, Tal. Danta,
District: Banaskantha.
- 10. Chhogabhai Keshabhai Angari**
Age: Adult,
R/o Village: Padaliya, Tal. Danta,
District: Banaskantha.
- 11. Munglabhai Somabhai Dungaisha**
Age: Adult,
R/o Village: Padaliya, Tal. Danta,
District: Banaskantha.
- 12. Vaghabhai Somabhai Parmar**
Age: Adult,
R/o Village: Padaliya, Tal. Danta,
District: Banaskantha.
- 13. Mithabhai Bhanabhai Bhagora**
Age: Adult,
R/o Village: Padaliya, Tal. Danta,
District: Banaskantha.
- 14. Rajeshbhai Arjanbhai Bhagora**
Age: Adult,
R/o Village: Naiwada, Tal. Danta,
District: Banaskantha.
- 15. Shankarbhai Thawrabhai Bhagora**
Age: Adult,
R/o Village: Naiwada, Tal. Danta,
District: Banaskantha.
- 16. Ditabhai Rajabhai Damor**
Age: Adult,
R/o Village: Padaliya,
Tal. Danta, Ambapani,
District: Banaskantha.
- 17. Shakrabhai Kirabhai Parmar**
Age: Adult,
R/o Village: Padaliya,
Tal. Danta, Ambapani,
District: Banaskantha.

18. Bharatbhai Hirabhai Bhagora

R/o Village: Ambaji,
Tal. Danta, Amblimal,
District: Banaskantha.

VERSUS

Opponent: **The State**

Appearance:

Mr. A. J. Yagnik, L.A. for the Applicants
Mr. R. P. Vaishnav, Learned P.P. for the Opponent-State

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

JUDGMENT

1. This is an application filed by present applicants under Section 482 of the Bhartiya Nagarik Suraksha Sanhita for releasing them on anticipatory bail.

2. The applicants have apprehension to be arrested for the offences under Section 189(2), 189(3), 191(2), 191(3), 190, 109(1), 118(2), 118(1), 115(2), 125, 326(f), 121(1), 221, 132, 126(2), 324(5), 61(2) & 351(3) of the Bhartiya Nyaya Sanhita and under Section 3 & 7 of the Damage to Public Property Act and under Section 135 of G.P. Act registered with the Ambaji Police Station C.R. No. 11195002250650/2025.

3. Notice was issued. Upon notice, Learned Public Prosecutor Mr. R. P. Vaishnav appeared for the State while L.A. Mr. A. J. Yagnik appeared for the applicants.

4. Investigating Officer has filed an affidavit at Exh. 8 and opposed the bail application. It is submitted that when the complainant and his forest staff employees, along with the police,

were working to dig advance pits for planting saplings in Survey No. 9 of Padaliya Village, at that time, present applicants in collusion with another accused formed a criminal conspiracy and formed a gang and having swords, Axes, Arrows, Sticks, Dhoka and other deadly weapons in their hands on four-wheel vehicles and motorcycles and other accused were obstructing Government work by attacking and indiscriminately beating up the Officers of the Forest Department and their staff and the Officers and employees of the Police Department and A.C.F. Mr. Jigarbhai Modi and his driver Hirabhai Vaghela and P.I. Mr. R. B. Gohil were fatally injured as well as other employees of the Forest Department, Police Personnel and Executive Magistrate Shri S. A. Roj, Deputy Mamlatdar, Danta suffered injuries and looted the purse of Forester Niruben containing Rs.11,500/- and documents, vandalized two Government vehicle of the Forest Department and two Government vehicle of the Police Department and another motorcycle, set the vehicles on fire with burning sticks, caused damage, cut down trees on the roads, and with a mala-fide intention of preventing additional police forces from reaching the place of offence and preventing the complainant and witnesses from leaving, created obstacles by erecting trees and stones on the road, fled, intentionally made a planned criminal conspiracy against the officers/employees of the Forest as well as Police Department and committed a deadly attack, committing a serious crime like robbery/raid, and if the applicants-accused are granted bail, they will commit such a serious crime again with the complainant and witnesses, and commit another such crime. There is a possibility of committing such a crime and there is a possibility of helping the remaining

co-accused to escape and keeping them away from arrest. It is also submitted that if present applicants-accused are released on bail then there is all chances that the accused will incite their community against the Forest Department and the Government and will not allow them to perform their legal duties and will incite them to cause further damage to Government properties. It is also submitted that if applicants are enlarged on bail in that case there is no possibility of availability of the applicants during trial. It is also submitted that another accused are yet to be arrested and investigation is still going on hence, it is requested to reject the bail application.

5. L.A. Mr. A. J. Yagnik, appearing for the applicants has submitted that the applicants are tribals forest dwellers residing in and around the area of 'Balaram Ambaji Wildlife Sanctuary'. That, the applicants and their family members have been in occupation of several parts of Forest lands, and have been cultivating the same for decades altogether. The applicants herein are amongst 172 others, whose cases have been recommended by the Forest Rights Committee constituted by the Gram Panchayat for the consideration and claims under The Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006. That, such claimants are in occupation of the said land even before 13.12.2005 i.e., before the promulgation of the said Act and therefore entitled to the protection thereof. That, plantation survey no. 9 wherein the alleged incident has taken place had been in the occupation of Shakriben Parmar, and her in-laws. The cultivation of the said land had been carried out for decades altogether by her late

husband and in laws even before 13.12.2005. The Forest Department (who is a part of the Tribal Sub Plan and facilitator of the Sub Division Level committee) had stopped the entire process of issuance of claim forms in the year 2023. That, while taking the aid of the Police Staff, the officers of Forest Department have illegally made an attempt to evict the said plantation survey number in utter violation with the orders passed by the Hon'ble High Court of Gujarat and the Hon'ble Supreme Court of India which in turn protects the cases of those for reconsideration whose claims have been rejected. Here is a case wherein the authorities have committed a grave illegality by not facilitating the process of claims as stipulated under the Act of 2006 and guidelines thereof. Amid the attempts of the Forest Department on 06.12.2025 in forcefully entering upon the plot of a widow who is entitled to a claim, a series of dialogues had been taking place on 11.12.2025. However, it is highly unfortunate that the Forest Department and the Police Personnel had instigated a turmoil by using force, might and majesty by attacking the forest dweller tribals on the fateful day i.e. 13.12.2025, and naming the applicant accused individuals in the FIR who have been agitating their issue for giving 'claim forms' to the Sub Divisional Committee. It is further submitted that the applicants are innocent and have neither committed any offence neither have they conspired the commission of any offence much less any non-bailable offence, whatsoever. The applicants are therefore moving the present application in order to pursue their remedy in law for safeguarding and preserving his liberty. The applicants herein, who are the Traditional Tribals and all residents of the local vicinity of in/around Padaliya, District

Banskantha do hereby state and submit that, the allegations levelled in the captioned FIR are wrongfully foisted upon them. The registration of the offence against them itself is a classic example of forceful and determined execution of unwarranted will of the Forest Department upon the innocent tribals who've been in possession, occupation and usage of forest lands situated in the remote areas from decades even before 13.12.2005 and are entitled to claim the same lawfully under the benevolent The Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forst Rights) Act, 2006. That, the registration of the FIR dated 06.12.2025 bearing no. 11195002250629 of 2025, and the mention of meetings between the officials and the villagers as mentioned in the FIR itself testaments of the growing tension amongst the vicinity, wherein ignoring the provisions of such welfare legislation the staff personnel of Forest Department have forcefully tried to enter upon the lands of the Tribals and sought to take over the possession thereof. That, no details of the land are mentioned in the earlier FIR, however the mention of the same in the present FIR is not merely a co-incidence but a matter of fact with regards to the connection thereof and therefore relevant for the purpose of determining the outcome of the present Application. The applicants most respectfully state and submit that, the incident alleged in the captioned FIR has admittedly took place upon plantation survey no. 9 of 2026-27 admeasuring 45 Hectare situated in Viramveri Round Padaliya Beat, Padaliya, Ambaji North and the same falls within the eco-sensitive zone of the 'Balaram Ambaji Wildlife Sanctuary'. Subject to corrections and to the best of the knowledge of the Applicants herein, the said land falls under a Reserved

Forest/Wildlife Sanctuary. Be that as it may, the occupier of the said plot i.e., Shakriben Parmar and her in laws who occupied and cultivated the land even before 13.12.2025 are entitled to the protection thereof flowing from the welfare legislation being The Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forst Rights) Act, 2006 under the following provision: “4. Recognition of, and vesting of, forest rights in forest dwelling Scheduled Tribes and other traditional forest dwellers. (1) Notwithstanding anything contained in any other law for the time being in force, and subject to the provisions of this Act, the Central Government hereby recognizes and vests forest rights in- (5) Save as otherwise provided, no member of a forest dwelling Scheduled Tribe or other traditional forest dweller shall be evicted or removed from forest land under his occupation till the recognition and verification procedure is complete.” It is submitted with great respect that, the said legislation i.e., The Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forst Rights) Act, 2006 is an entire code in itself which stipulates formation of various committees at different levels of District and their sub divisions, alongside duties being vested in the Authorities of the Forest Department to work in close connection with the Gram Sabha for the vicinity to ascertain and verify the claims of the tribals and dwellers of forests who're in occupation of the forest lands categorized under various heads, for the purpose of cultivation or otherwise and take a decision thereupon. The said act also provides for the remedies in case of rejection of claims as well. And, in the aforesaid provision provides for a statutory protection having an over riding effect until the entire process is completed.

The process is bifurcated as follows: Ascertainment of claims by the Gram Sabha by forming a Forest Rights Committee, recording a resolution and forwarding the same to the Sub Divisional Committee (Sub Plan). Upon verifying the claims, the Sub Divisional Committee (Sub Plan) then issues claim forms and after ascertaining the same forwards to the District Level Committee. The District Level Committee then finally decides upon the claim. That, at every stage verification, rejection and acceptance is contemplated. Along with the remedies provided. That, the Ministry of Tribal Affairs, Government of India for the purpose of effectively bringing into force the said Act have also issued Rules and Guidelines being the 'Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Rules, 2007' and 'Guidelines on the implementation of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006'. It is submitted with great respect that, there is a lengthy debate upon implementation of the provision of the aforesaid Act and the mechanism devised therein. That, over the past in the State of Gujarat as well, since there had been instances and drive of illegal eviction of forest dwellers and tribes been undertaken by the Forest Department either on account of rejection of claims based on lack of evidences available with the claimants or due to the pendency of claims which had not been channelized to various levels of committees thereby creating into disturbance in the sensitive ecology, the Hon'ble High Court of Gujarat in Writ Petition (PIL) No. 100 of 2011, while acknowledging the deficiencies, discussing the provisions of the said Act has passed several beneficial directions for review of about 1 lakh cases to secure the best Interest of the Forest Dwellers and Claimants. It is most

respectfully stated and submitted that, the Hon'ble Supreme Court of India Writ Petition (Civil) No. 109 of 2008, between Wildlife First & Ors. Versus Ministry of Forest & Environment & Ors., the Apex Court passed an order dated 13.02.2019 directing all the states in India to remove tribals from the Forest land and stop cultivation in those cases wherein their applications have been rejected. State of Gujarat is also a party in the said petition, pending before the Hon'ble Apex Court. Union of India and 10 other states including the State of Gujarat filed Review Applications urging the Supreme Court to Recall its order and stay the same with immediate effect. Hon'ble Apex Court was pleased to stay its order on cogent grounds by an order dated 28.02.2019. The Union of India, and the State of Gujarat both committed to the Apex Court that the applications have been rejected on the grounds which may require review of all such applications. Therefore, while taking into consideration the ground of review of rejected cases, Hon'ble Apex court was pleased to stay its order, till further orders. And, since then the eviction of those tribals, already cultivating the forest lands since long, and those claims which were rejected was stayed and sent for reconsideration, the actions of the Forest Department and Police Department is in utter violation with the said rulings of the Hon'ble High Court as well as the Supreme Court. It is submitted with great respect, that in the present case and more particularly concerning plantation survey no. 9 of 2026-27 admeasuring 45 Hectare situated in Viramveri Round Padaliya Beat, Mouje Padaliya, Ambaji- North which is claimed by one Shakriben Lalabhai Parmar. That, as per the provisions of the Forest Rights Act, the claims in the said area is processed through a Forest Rights Committee (FRC) on the basis of resolution, which is constituted by the Gram Sabha and then forwarded to the Sub

Divisional Level Committee for its consideration. The claim of Shakriben alongside 171 others were prepared by Shri Padaliya Gram Panchayat were recorded in a resolution in December 2024 and forwarded to the Hon'ble Prayojna Vahivatdar Tribal Sub Plan, (in the present case the Deputy Collector) for its consideration. However, no further process was undertaken by the Sub Divisional Committee for issuing claim forms. Despite of requests been made by the Gram Panchayat and the Tribals been made from time to time. That, the authorities were duty bound to provide claim forms, as per the guidelines. However, no forms were provided and the claims of Padaliya village remained virtually non-existent due to the said deficiency. The said aspect reflects only a failure of the State Authorities in facilitating the implementation of the Act and resultantly, robbing the applicant Shakriben and others (including the Applicants) of their occupational rights of the Forest Land. Under the facts and circumstances elaborated herein above, it is amply clear that the entire action of the Forest Department and the Police Officials itself is unprecedented, illegal and smacked with malice. The Applicants herein are innocent and only roped into criminal offences one after another by the officers of the Forest Department by igniting violence, much likely with the reasons of suppressing the aforesaid realities and robbing away the voices of the Applicants and others from their lawful entitlements in accordance with law. Even it is assumed without any admission for the purpose of arguments, that there indeed had been a turmoil between the tribal applicants and the officials, even then the actions alleged in the FIR of a conspiracy is a fact story, and the enraged violence at the ends of the tribals is an act of retaliation and self-defense which are envisaged under sections 34 to 44 of the Bharatiya Nyaya Sanhita, 2023 and exempt from

criminal liability. All such aspect deserves due consideration of this Hon'ble Court. The FIR in question involves a conflict between the Forest Department on account of the fact that Applicants and similarly situated are legitimately cultivating the Forest land and Forest Department is illegally and unconstitutionally preventing them from preventing their respective piece of land. Department is part of Sub-Divisional Committee and District Level Committee wherein, the applications of the Applicants or their family members for cultivating the forest land are to be taken into consideration. As per the Act of 2006, till the time the entire hierarchy of authority to grant the forest land deals with the application for cultivation of forest land of the Applicants and there family members besides the other villagers, no eviction could have been undertaken independently of the order passed by the Hon'ble Supreme Court. Even if it is considered that the Applicants herein or the occupier of plantation survey no. 9 was illegally encroaching upon the land, then the Forest Officers could have lodged a 'Forest Offence Report' under the provisions of Forest Act, 1927. However, no such report is filed. Except for the fact of registration of the captioned FIR, there is no further material available for the prosecuting agency to implicate the Applicants into the present crime or even to attribute 'Mens-Rea' as an essential ingredient in commissioning of the said offences involving any thread pull or rampage. Considering the said aspects as well which disclose no overt act coupled with the intention to do so, the present applicant deserves due consideration of this Hon'ble Court. It is most humbly submitted that the applicants herein are amongst those individuals whose claims upon the forest lands are pending. That, there is no attempt of either illegal occupation of Forest Land, they are

merely innocent individuals claiming their rights in accordance with law. That, the turmoil is a matter of misfortune. Considering the fact that there is not even a prima facie case against the Applicants for commissioning the alleged offences, the present application deserves to be allowed at its very threshold. The applicants are neither singularly nor collectively affiliated with any Tribal Outfit A.C Bharat Sarkar Sangathan as alleged in the FIR. That, they are innocent and in no manner connected in the manner in which the entire incident has taken place. A deliberate act of enraging tribals has been done in order to show the Applicants and others bad light to put mud upon the illegalities committed by the authorities themselves. It is most humbly submitted that, the case of the applicants herein is very much within the parameters set out by the Hon'ble Supreme Court in the case of Siddharam Satlingappa Mhetre Vs. State of Maharashtra & Ors. Reported in AIR 2011 Supreme Court. The arrest should be the last option and it should be restricted to those exceptional cases where arresting the accused is imperative in the facts and circumstances of that case. The aforesaid ruling also lays down a disposition on the aspect that an order granting or refusing bail must reflect perfect balance between the conflicting interest, namely, sanctity of individual liberty and interest of society. It is most humbly submitted that the settled position of law with reference to the case of under trials (present applicants) is that, the right of bail flows from Article 21 of The Constitution of India, which frowns upon unnecessary and prolonged detention, pending judicial adjudication of guilt and more so when a bleak picture of delay, owing to the pendency in the courts below as a result of the unavoidable circumstances of prolonged trial procedures, persists to haunt the present applicants. In view of such live apprehension and anxiety as well,

the present application deserves to be allowed. It is most humbly submitted that, the applicants are ready and willing to join the further investigation as there is no cogent reason to believe that their liberty ought to be deprived or restricted or even put to peril in any manner whatsoever. Hence, the indulgence of this Hon'ble Court is prayed for. The applicants being members of local tribal community with deep roots in the society, who are having reasonable bouts of anxiety of wrongful implications and prolonged incarceration, have preferred the present application. Being residents of Padaliya village and areas situated around, there are no chances of them absconding or not making themselves available for investigation. The applicants further undertake to cooperate with the investigation as and when their presence is required and also abide by any strict conditions being imposed by this Hon'ble Court as may be deemed fit and proper in the facts of the foregoing. It is also submitted that despite of more than 2 months of the lodging of the captioned FIR, investigation is on-going and, no charge-sheet has been filed yet. It is further submitted that the Minister of State for Tribal Affairs in the Lok Sabha has placed on record the response from the State of Gujarat, with respect to the eviction of plantation area which is the matter involved in the present FIR, have further admitted that such actions were inadvertent and necessary directions have been issued thereon. The said aspect may please be permitted to be treated as a ground to the captioned bail application. Hence, on the aforesaid grounds, it is requested to enlarge the applicant on regular bail. L.A. for the applicant has produced following documentary evidence in support of his submission.

Sr. No.	Particulars of document	Mark
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1	Copy of the FIR dated 13.12.2025 bearing CR No. 11195002250650 of 2025 registered with Ambaji Police Station, Banaskantha	5/1
2	Copy of FIR dated 06.12.2025 bearing No. 11195002250629 of 2025	5/2
3	Copies of The Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, 'Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Rules, 2007' and 'Guidelines on the implementation of the Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006'	5/3
4	Copy of judgment dated 03.05.2013 passed by the Hon'ble High Court of Gujarat in Writ Petition (PIL) No. 100 of 2011	5/4
5	Copies of order dated 13.02.2019 and 28.02.2019 passed by the Hon'ble Apex Court in Writ Petition (Civil) No. 109 of 2008	5/5
6	Copy of Resolution passed by Padaliya Gram Panchayat and forwarded to the concerned authority	5/6
7	Copy of complaint dated 17.12.2025 given by Shakriben Parmar i.e. the occupier of plantation Survey No.9	5/7
8	A pen drive containing videos of the police force opening attack on the tribals on 12.12.2025 recorded on the mobile phones of Tribals	5/8
9	Official document of Lok Sabha dated 12.03.2026 on the subject matter of FRA Claims in Banaskantha, Gujarat	11/1

6. *Per contra*, learned Public Prosecutor Mr. R. P. Vaishnav has vehemently opposed the bail application and submitted that, if in such cases bail is granted then wrong signal goes to society and there are possibility of involving or repetition of such type of offence and possibility cannot be ruled out and

the accused will flee away from the justice, therefore, it is requested to reject the present bail application.

7. 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 for enlarging the applicants on anticipatory bail.

(1) Prima facie case against the accused.

(2) Necessity of accused for the custodial interrogation.

8. Having heard learned advocates for the both side and having gone through the police papers and contents of the FIR, it appears that, in present case accused are facing the charge under Section 189(2), 189(3), 191(2), 191(3), 190, 109(1), 118(2), 118(1), 115(2), 125, 326(f), 121(1), 221, 132, 126(2), 324(5), 61(2) & 351(3) of the Bhartiya Nyaya Sanhita and under Section 3 & 7 of the Damage to Public Property Act and under Section 135 of G.P. Act. As per complaint, when the complainant and his forest staff employees, along with the police, were working to dig advance pits for planting saplings in Survey No. 9 of Padaliya village, at that time, present applicant in collusion with another accused formed a criminal conspiracy and formed a gang and having swords, Axes, Arrows, Sticks, Dhoka and other deadly weapons in their hands on four-wheel vehicles and motorcycles and other accused were obstructing Government work by attacking and indiscriminately beating up the Officers of the Forest Department and their staff and the Officers and

employees of the Police Department and A.C.F. Mr. Jigarbhai Modi and his driver Hirabhai Vaghela and P.I. Mr. R. B. Gohil were fatally injured as well as other employees of the Forest Department, Police Personnel and Executive Magistrate Shri S. A. Roj, Deputy Mamlatdar, Danta suffered injuries and looted the purse of Forester Niruben containing Rs.11,500/- and documents, vandalized two Government vehicle of the Forest Department and two Government vehicle of the Police Department and another motorcycle, set the vehicles on fire with burning sticks, caused damage, cut down trees on the roads, and with a mala-fide intention of preventing additional police forces from reaching the place of offence and preventing the complainant and witnesses from leaving, created obstacles by erecting trees and stones on the road, fled, intentionally made a planned criminal conspiracy against the officers/employees of the Forest as well as Police Department and committed a deadly attack and thereby committed a serious offence. Hence, a complaint came to be filed against the accused for the alleged offence.

9. Looking to the police papers and whole material available on record, it appears that when the complainant and his forest staff employees, along with the police, were working to dig advance pits for planting saplings in Survey No. 9 of Padaliya Village, at that time, present applicants in collusion with another accused formed a criminal conspiracy and formed a gang and having swords, Axes, Arrows, Sticks, Dhoka and other deadly weapons in their hands on four-wheel vehicles and motorcycles and other accused were obstructing Government

work by attacking and indiscriminately beating up the Officers of the Forest Department and their staff and the Officers and employees of the Police Department and A.C.F. Mr. Jigarbhai Modi and his driver Hirabhai Vaghela and P.I. Mr. R. B. Gohil were fatally injured as well as other employees of the Forest Department, Police Personnel and Executive Magistrate Shri S. A. Roj, Deputy Mamlatdar, Danta suffered injuries and looted the purse of Forester Niruben containing Rs.11,500/- and documents, vandalized two Government vehicle of the Forest Department and two Government vehicle of the Police Department and another motorcycle, set the vehicles on fire with burning sticks, caused damage, cut down trees on the roads, and with a mala-fide intention of preventing additional police forces from reaching the place of offence and preventing the complainant and witnesses from leaving, created obstacles by erecting trees and stones on the road, fled, intentionally made a planned criminal conspiracy against the officers/employees of the Forest as well as Police Department and committed a deadly attack, committing a serious crime like robbery/raid.

10. L.A. for the applicants has mainly submitted that plantation of survey no. 9 wherein the alleged incident has taken place had been in the occupation of Shakriben Parmar, and her in-laws. It is also submitted that whatever incident that has been happened that is only in context of self defense. There is no intention or motive of the applicants-accused to cause injury to Government Officer but act of untoward incident happened only in their self defense. Moreover, total arguments indirectly appears constitutional arguments and whatever incident or act

committed by the applicants-accused is nothing but they did not believe in Constitution. There is no such recovery or discovery of the weapons i.e. swords, Axes, Arrows, Sticks, Dhoka and other deadly weapons from the place of offence. In absence of any such recovery or discovery of weapons can one say that applicants-accused injured the Government Officers ? But, one side, accused admitted that alleged incident that has been occurred in context of self defense hence, apparently it appears that alleged incident occurred and Government Officers were injured. if the applicants-accused are granted bail, they will commit such a serious crime again with the complainant and witnesses, and commit another such crime. There is a possibility of committing such a crime and there is a possibility of helping the remaining co-accused to escape and keeping them away from arrest. It appears that if present applicants-accused are released on bail then there is all chances that the accused will incite his community against the Forest Department and the Government and will not allow them to perform their legal duties and will incite them to cause further damage to Government properties. Moreover, it also appears that if applicants are enlarged on bail in that case there is no possibility of availability of the applicants during trial. It further appears that another accused are yet to be arrested and investigation is still going on hence custodial interrogation of the present applicants is required. Therefore, at this juncture, I am not inclined to grant anticipatory bail to the present applicants. Hence, the following order is passed.

ORDER

This anticipatory bail application is rejected.

Pronounced in the open Court today, this **25th day of March, 2026.**

PALANPUR.

Date: 25/03/2026

VISHAL

(Shubhada Krishnakant Baxi)
Sessions Judge,
B.K. DISTRICT, PALANPUR.
(Code : GJ00377)