

GJBK010008492026



Received on : 07.03.2026  
Registered on : 07.03.2026  
Decided on : **25.03.2026**  
Duration : 18 -- --  
D M Y

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

Exh.\_\_\_\_\_

**Criminal Misc.(Regular Bail) Application No.254/2026**

Applicant: **Lakshmanbhai Nathabhai Dungaisa**  
Age: 45 Years, Occu.: Social work,  
R/o Kengora, Tal. Amirgadh,  
District: Banaskantha,  
At present in Sub-Jail, Palanpur.

VERSUS

Opponent: **The State**

**Appearance:**

Mr. A. J. Yagnik, L.A. for the Applicant.  
Mr. R. P. Vaishanv, Learned Public Prosecutor for the  
Opponent State.

**APPLICATION FOR REGULAR BAIL UNDER SECTION  
483 OF THE BHARTIYA NAGARIK SURAKSHA  
SANHITA**

**JUDGMENT**

- (1) Present application is filed under Section 483 of the Bhartiya Nagarik Suraksha Sanhita by the applicant for regular bail in connection with the FIR being C.R. No. 11195002250650/2025 registered with Ambaji Police Station for the offence punishable 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.

- (2) Applicant was arrested on 22.02.2026 and produced before the concerned Court on 23.02.2026 and remand was sought for, same was allowed and after completion of remand period he was produced before the Court and at that time he was sent to judicial custody since then applicant is in judicial custody hence, he has preferred the present application under section 483 of the Bhartiya Nagarik Suraksha Sanhita.
- (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 applicant. Investigating Officer has filed an affidavit at Exh.7 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 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, committing a serious crime like robbery/raid, and if the applicant-accused is granted bail, he 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 applicant-accused is 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. It is also submitted that if applicant is enlarged on bail in that case there is no possibility of availability of the applicant 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.

- (4) L.A. Mr. A. J. Yagnik, appearing for the applicant has submitted that the applicant herein being a Social Worker, and a tribal forest dweller resides in and around the area of 'Balaram Ambaji Wildlife Sanctuary'. That, being retired from the services of BSF, New Delhi the applicant possesses knowledge of the legislations concerning the Forest Dwellers and have been active in advocating the emergent need for spreading awareness of the same amongst the local tribes who have been in occupation of the Forest Lands for decades altogether. The fact of the matter is that about 172 cases have been recommended by the Forest Rights Committee constituted by the Gram Panchayat Padaliya for the consideration and claims of Forest Lands under The Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006. All, 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 of 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 whose claims have also 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 and the applicant herein has been solely roped in the present offence for being part of the discussion with the Forest Department and Police authorities on behalf of the Claimants- who also have been alleged as co-accused in the offence. It is highly unfortunate that despite of the applicant not even been present on the day of the incident i.e., 13.12.2026, the Forest Department and the Police Personnel had

instigated a turmoil themselves by using force, might and majesty by attacking the forest dweller tribals-claimants on the fateful day i.e. 13.12.2025, and naming the applicant and other accused individuals in the FIR, who have been actively partaking in the issue of giving 'claim forms' to those 172 individuals of Padaliya Gram Panchayat, whose claims have been already given before the Sub Divisional Committee and that which include of Shakriben Parmar i.e., the occupier of Plantation Survey no. 9. It is also submitted that the applicant is innocent and has neither committed any offence nor has he conspired the commission of any offence much less any non-bailable offence, whatsoever. Least to say, that the applicant herein was not even present on the site of the incident on the 13.12.2026. The applicant is therefore preferring the present application in order to pursue the remedy in law for preserving his liberty guaranteed under the constitution of India. The applicant herein, who is involved in social welfare work concerning the Traditional Tribals is a resident of the local vicinity of in/around Padaliya, District Banskantha. The applicant do hereby state and submit that, the allegations levelled in the captioned FIR are wrongfully foisted upon him and 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 raising voices and aiding those poor and unprivileged individuals who no

understanding of law, having been in possession, occupation and usage of forest lands situated in the remote areas and are entitled to claim the same lawfully under the benevolent. It is most respectfully submitted that the name of the applicant surfacing in the FIR dated 06.12.2025 bearing no. 11195002250629 of 2025, and his presence in 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 applicant most respectfully states and submits that, the incident alleged in the captioned FIR has admittedly taken 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 land Shakriben and the land

situated there around 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. 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, on the pretext of the Forest Land being used for commercialization 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, was stayed. 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, 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. 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 Applicant) of their occupational rights of the Forest Land. The Applicant herein at the most has been a medium of making such requests for the Applicants and raising voices before the relevant authorities, and spreading awareness for facilitation and support to the villagers in preparing the claims with several other individuals of the village. That, Shakriben Parmar on 17.12.2025 has also preferred an application seeking actions against the police and forest department staff, however no actions is taken till date. Such

application of Shakriben is also to be pursued further before the Courts of law. It is most respectfully submitted that, the implication of the applicant herein in the captioned offence is only because of 'Red Eyes' being held against the applicant by several authorities for partaking in the claim process, and making aware the unprivileged forest dwellers of their legal rights, by the applicant and several others. It is submitted with great vehemence that, on the 13.12.2026, it is the police forces who amid dialogue with the tribals first opened an attack not only on the men but also on women, instigating the entire incident alleged in the FIR dated 13.12.2025. That, videos of the incident recorded on the mobile phones of those present supports the said version, and the same does not reveal the presence of the Applicant on 13.12.2026. The family members and those of the vicinity support the said aspect. And, his presence is only on the date of meeting of villagers with the officials of the Forest Department and the Police staff. It is submitted with great respect that, the long and short of the case forthcoming from the remand report is that the Investigating officer reports of about 42 members of Police and Forest Department to be injured in the incident. Alongside the drawing of various Panchnama, and reiterating the allegations which are already mentioned in the present application in the paragraphs above it is alleged that the Applicant herein is a member of a tribal outfit 'A.C. Bharat Sarkar Sangathan' who allegedly doesn't believe in the Social

setup of Democracy or the Constitution and thus, the investigation was required to be proceeded in the said direction to know about the affiliations of the Applicants. That, the said fact had also been forthcoming from his own confession statement. With respect to such allegations, the applicant herein most categorically states and submits that he staunchly and very strongly believes in the laws of the land and the Constitution of India. That he is neither singularly nor collectively affiliated with any Tribal Outfit A.C Bharat Sarkar Sangathan, or even to any of its members to the least as alleged in the FIR and the Remand report. That, he is innocent and in no manner instigated the crime. A deliberate act of enraging tribals has been done by the authorities themselves and by levelling the wild allegations of such affiliations is only to malign the reputation of the applicant and put mud upon the illegalities committed by the authorities themselves. Even if the said confession has any iota of truth in the same, even then the same is hit by the rigors of 23(1) of the Bharatiya Sakshya Adhinyam, 2023. Neither has such statement lead into any recovery or discovery qua the Applicant accused or others for the matter. The said aspects require reconsideration of this Hon'ble Court. 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 applicant herein is 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 claimants 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 tribals and the officials instigated and conspired by the applicant herein, 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 in view of material placed before this Hon'ble Court. 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 legitimate claimants are cultivating the Forest land and Forest Department is illegally and unconstitutionally preventing them from preventing their respective piece of land. Forest Department is part of Sub-Divisional Committee and District Level Committee wherein, the applications of the claimants 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 claimants 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 claimants 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, and bald allegations with no recovery or discovery made qua the applicant, there is no further material available for the prosecuting agency to implicate the Applicant into the present crime or even to attribute 'Mens-Reaas' an essential ingredient in commissioning of the said offences involving instigation of 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 applicant herein is innocent individual, who has stood with a strong spine besides those claiming their rights in accordance with law. That, the entire 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. It is most humbly submitted that the settled position of law with reference to the case of under trials (present applicant) 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 applicant is a civilized individual and a local and permanent residents of the address mentioned in the cause title of the Application. In view of the fact that, the parents of the applicants reside in the nearby vicinity, on account of social commitments as well there are no chances of him absconding or not making himself available for investigation or trial. Except what is stated herein above, no other offences are registered against him. With the status of investigation as it stands today, there is no cogent reason to believe that the liberty of the applicant is 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 reputation of the applicant being member of local tribal community with deep roots in the society as a social worker, is likely to be affected by prolonged incarceration. The applicant further undertakes to cooperate with the investigation as and when his 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 ongoing 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.

<b>Sr. No.</b>	<b>Particulars of document</b>	<b>Mark</b>
1	Copy of the FIR dated 13.12.2025 bearing CR No. 11195002250650 of 2025 registered with Ambaji Police Station, Banaskantha	4/1
2	Copy of arrest memo, remand report, order dated 23.02.2026	4/2
3	Copy of FIR dated 06.12.2025 bearing No. 11195002250629 of 2025	4/3
4	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)	4/4

	Rules, 2007' and 'Guidelines on the implementation of the Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006'	
5	Copy of judgment dated 03.05.2013 passed by the Hon'ble High Court of Gujarat in Writ Petition (PIL) No. 100 of 2011	4/5
6	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	4/6
7	Copy of Resolution passed by Padaliya Gram Panchayat and forwarded to the concerned authority	4/7
8	Copy of complaint dated 17.12.2025 given by Shakriben Parmar i.e. the occupier of plantation Survey No.9	4/8
9	Affidavit of mother of the applicant as well as order dated 07.07.2020 passed by Hon'ble High Court of Gujarat in Criminal Misc. Application No. 9000/2020	10/1
10	Certified copy of arrest memo, remand and order	11/1
11	Pen-drive	11/2
12	Official document of Lok Sabha dated 12.03.2026 on the subject matter of FRA Claims in Banaskantha, Gujarat	12/1

- (5) *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.

- (6) 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 is 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.

- (7) 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 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, committing a serious crime like robbery/raid.

- (8) L.A. for the applicant 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 applicant-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 applicant-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 applicant-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 applicant-accused is granted bail, he 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 applicant-accused is 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 applicant is enlarged on bail in that case

there is no possibility of availability of the applicant during trial. It further appears that another accused are yet to be arrested and investigation is still going on. Hence, at this juncture, discretion is not required to be used for enlargement of the applicant on bail. Hence, I pass the following order.

**ORDER**

The present bail application is hereby rejected.

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

**PALANPUR.**

**Date: 25/03/2026**

*VISHAL*

***(Shubhada Krishnakant Baxi)***

Sessions Judge,

B.K. DISTRICT, PALANPUR.

**(Code : GJ00377)**