

GJJM010018622026  11202057250613 CRMA S/672/2026	 सत्यमेव जयते	Filed on	:	26/05/2026		
		Registered on	:	26/05/2026		
		Decided on	:	01/06/2026		
		Duration	:	Years	Months	Days
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BEFORE THE HON'BLE 3rd ADDL. SESSIONS JUDGE
JAMNAGAR

Criminal Misc. Application No.: 672/2026

Exh. :- 9

Applicant / Accused	JITENDRASINH NARANSINH RATHOD Age : 49 Years, Occupation : Advocate, <u>Resi. at</u> : "Ashirvad Deep", Street No.- 1, Behind Patel Park, Ranjit sagar Road, Jamnagar.
	<i>Currently in Judicial Custody.</i>
Versus	
Opponent	STATE OF GUJARAT <u>Through</u> : THE Ld. PUBLIC PROSECUTOR Jamnagar.

Police Station	<i>Sikka Police Station</i>
F.I.R. No. : CR	<i>11202057250613/2025</i>
Offence	<i>S. 336(2), 336(3), 338, 339, 340(2) & 61(2) of B.N.S. (U/s. 465, 468, 467, 474, 471 & 120B of IPC)</i>
Triable by	<i>Judicial Magistrate First Class</i>

APPEARANCE :-

Ld. Advocate for the Applicant / Accused	<i>Mr. J. S. Suradia</i>
Ld. Public Prosecutor for State	<i>Mr. J. K. Bhandari</i>

**REGULAR BAIL UNDER THE SECTION
439 OF CRIMINAL PROCEDURE CODE, 1973.
(Section 483 of BNSS)**

-:: J U D G M E N T ::-

- (1). The Applicant has preferred the present application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (U/s. 439 of the Criminal Procedure Code, 1973), for releasing him on regular bail in pursuance to alleged offence mentioned above. The application was registered and notice was issued. On service of the process, the Ld. P.P. for the Opponent-State had appeared and objected the application.
- (2). I have heard the Ld. Advocate for Applicant / Accused and the Ld. P.P. for Opponent-State, alongwith the Ld. Advocate for the Orig. Complainant, at great length. I have considered the facts and circumstances of case and documents on record, grounds stated in regular bail application and affidavit of I.O. at Exh.-7.
- (3). The Ld. Advocate for Applicant has humbly submitted that he is falsely implicated in the crime. The Ld. Advocate for Accused has further humbly submitted that Accused was arrested and was produced before the Ld. Magistrate and then sent to judicial custody and since then, he is in jail and that if bail is not granted, then it will amount to Pre-Trial Punishment.
- (4). The Ld. Advocate for Accused has humbly submitted that the alleged offence is triable by the Judicial Magistrate First Class and punishable upto life imprisonment or imprisonment which may extend to 10 years and looking

the fact of present case and age of Accused and dependency of his family, it is requested to kindly grant regular bail. The Ld. Advocate for Accused has further humbly submitted that if bail is not granted, then it will amount to Pre-Trial Punishment.

- (5). The Ld. Advocate for Accused has further submitted that the Applicant give assurance to abide and comply all conditions, which may be imposed by the Court, if he is permitted to enjoy his fundamental right of liberty. It is further submitted that the Applicant / Accused is residing in local area. Therefore, the Ld. Advocate for Accused has respectfully prayed to release the Accused on regular bail by imposing suitable conditions.
- (6). As against the said argument of the Ld. Advocate for the Accused, the Ld. Public Prosecutor has vehemently argued that offence is non-bailable and serious. As against that arguments, the Ld. Advocate for the Accused has stated that Accused is resident of this State only and if that is so, the Court may put appropriate conditions so that Accused may be available during investigation and trial.
- (7). The Ld. Public Prosecutor has strongly opposed the bail application. The Ld. Public Prosecutor has submitted that from the record, a strong case is made out against present Applicant / Accused. It is further submitted that if Applicant is released on bail, there is possibility to tamper with the evidence / threat the witnesses and investigation is

still going on qua Applicant and therefore, he has prayed to dismiss the present bail application. The Ld. Advocate for the Accused has stated that Accused will co-operate in the investigation and will not threat / influence any witness.

- (8). If we go through the allegations made in F.I.R., then the Accused have created a criminal conspiracy to obtain the agricultural land of the Complainant by creating a fake identity of the complainant and forged documents of the land and produced a person with false name before the Registrar, Jamangar, on dtd.11/02/2025 and produced false documents as a genuine in the registrar office and transferred the complainant's agricultural land in their names and taken its possession by submitting false and bogus documents and thereby committed the above mentioned offence. The token was taken from Register Office by the present Applicant, of such forged sale deed.
- (9). The Ld. Advocate for the Applicant has submitted that prima facie the involvement of the applicant - accused does not reveal and his name is not in F.I.R. That only on the presumption the applicant has been wrongly implicated in the present case.
- (10). It is stated by the Ld. Advocate for the Accused that Accused will be readily available at the time of trial and will not jump the bail and if Accused is not granted bail, it will be pre-trial punishment. I have considered the ratio laid down in a decision in case of ¹**SIDDHARAM**

1 **SIDDHARAM SATLINGAPPA MHETRE Vs. STATE OF MAHARASHTRA : 2011(1) G.L.H. 11**

SATLINGAPPA MHETRE Vs. STATE OF MAHARASHTRA and in case of ²**SANJAY CHANDRA Vs. CBI** of the Hon'ble Supreme Court of India and the ratio laid down in a decision in case of ³**RAKESH PRAHLADRAM JOSHI & ORS. Vs. STATE OF GUJARAT** of the Hon'ble Gujarat High Court.

- (11). If we go through the F.I.R., then the Accused have created false identity of the Complainant and forged documents and the said false document was used as a genuine by the accused. The present Applicant is the person, who has taken the Token from the Registrar's Office for sale-deed of the land and the present Applicant is an Advocate for the person named Bhagwanjibhai @ Bhupat Hansrajibhai Gohil, who has purchased the land. About Rs. 49 Lacs of sale consideration was credited in Account of Vinod Premji Nandu, who had transferred Rs. 15 Lacs to Devedraba (Advocate), who is second wife on record though the Applicant is having existing 1st wife. Explanation that Ashok Shah had borrowed money from client of Applicant and therefore the said payment was made as repayment of loan, can't be accepted at this stage, when no online money is transferred to such person who had given loan. Parity can't be extended, on ground that regular bail after charge-sheet is granted to one of the Accused. This Court has dismissed anticipatory bail application – Cr.M.A. No. 1916/2025 vide Order dated 19/12/2025 at Mark-3/4 and the Applicant has withdrawn Cr.M.A. No. 27658/2025 and also withdrawn Cr.M.A. (Successive) No. 8242/2026

² **SANJAY CHANDRA Vs. CBI : 2012(1) GLH 93 (SC) = (2012) 1 SCC 40 = Cr.A. 2178/11, D/- 23/11/11**
³ **RAKESH PRAHLADRAM JOSHI & ORS. Vs. STATE OF GUJARAT**
: Cr.M.A. No. 4597-11, D/- 12/05/11

before the Hon'ble High Court. Looking the graveness and seriousness of the alleged offence, this Court does not feel it proper to invoke the discretionary power of bail in the present case at-least at this stage of investigation at very primary stage. Prima facie, it reveals that involvement of the present applicant-accused is revealing in such serious offence and when the involvement of the accused was particularly when of serious allegation of forgery and the offence punishable under Section 338 of B.N.S. (Section 467 of I.P.C. respectively) is punishable with life imprisonment, bail should be granted at primary stage of investigation. Further, here in this case, the investigation is still going and charge-sheet is not filed qua Applicant. These are the peculiar fact which has not appealed this Court to invoke the power under Section 483 of B.N.S.S. (U/s. 439 of Code of Criminal Procedure) at this stage. Under such circumstances, the present Applicant is not entitled to get regular bail, at this primary stage of investigation.

- (12). Order granting or refusing bail is not necessarily required to be speaking order as held by the Hon'ble Supreme Court in case of ⁴**JIVAJI JEDEJA & Ors. Vs. STATE OF MAHARASHTRA & Ors.** The Ld. Advocate for the Accused has relied on the decision delivered by the Hon'ble Supreme Court in case of ⁵**ASHOK DHINGRA Vs. N.C.T. DELHI** but in the said case as the Accused was in custody for about six months, the Court had granted bail. The Ld. Advocate for the Accused has relied on the decision de-

4 ***JIVAJI JEDEJA & Ors. Vs. STATE OF MAHARASHTRA & Ors. : 1987 CrLJ 1850 : AIR 1987 SC 1491***
 5 ***ASHOK DHINGRA Vs. N.C.T. DELHI : (2000) 9 SCC 533 = JT 2000(7) SC 350 = D/- 3/3/00***

livered by the Hon'ble Supreme Court in case of ⁶SANDEEP JAIN Vs. NATIONAL CAPITAL TERRITORY OF DELHI, but in the said case as the Accused was in custody for about ten months, the Court had granted bail. In **present case**, it is serious offence of forgery, which is **punishable with life imprisonment**. Thus, facts and circumstances are totally different.

(13). The Ld. Advocate for the Accused has relied on the decision delivered by the Hon'ble Supreme Court in case of ⁷LALOO PRASAD @ LALOO PRASAD YADAV Vs. STATE OF JHARKHAND, wherein allegation was u/Sec. 13 of Prevention of Corruption Act, punishable with maximum imprisonment of 7 years, in Bihar Fodder Scam Case, whereas in present case, offence is of forgery punishable with life imprisonment and there is direct role of present Accused. Hence, the said authority will not be helpful in present case due to different facts and circumstances.

(14). The Ld. Advocate for the Accused has relied on the decision delivered by the Hon'ble Gujarat High Court in case of ⁸PATEL VISHNU SHIVRAM Vs. STATE OF GUJARAT, but in said case, trial – recording of evidence of witnesses was completed and further statement u/Sec. 313 of Cr.P.C. was also recorded, but trial could not be completed as stay was granted by the Hon'ble Apex Court, whereas in present case, offence is recently registered

6 SANDEEP JAIN Vs. NATIONAL CAPITAL TERRITORY OF DELHI

: (2000) 2 SCC 66 = AIR 2000 SC 714 = D/- 18/1/00

7 LALOO PRASAD @ LALOO PRASAD YADAV Vs. STATE OF JHARKHAND

: 2002(9) SCC 372 = 2002 CrLR 202 = Cr.A. 1289/01, D/- 14/12/01

8 PATEL VISHNU SHIVRAM Vs. STATE OF GUJARAT

: 2004(3) GLR 2195 = 2004(3) GLR 297 = M.Cr.A. 9582/03, D/- 24/6/04

against present applicants-accused and matter is under investigation. Thus, rule of bail and not jail will not be advisable to apply in present case. Hence, the said authority will not be helpful in present case due to different facts and circumstances.

(15). The Ld. Advocate for the Accused has relied on the decision delivered by the Hon'ble Supreme Court in case of ⁹**STATE OF KERALA Vs. RANEEF**, but in that case, medical treatment was given to one of the wounded Accused and there was no prima facie proof of involvement in crime committed by other Accused and it was duty of doctor to give medical aid and conspiracy was yet to establish by the prosecution and considering no role of him prima facie in crime, he was granted bail. Whereas, firstly, it was not case of serious offence like forgery as in present case and secondly, there is direct involvement of present Accused in crime. Hence, the said authority will not be helpful in present case due to different facts and circumstances.

(16). The Ld. P.P. for the State has relied on the decision delivered by the Hon'ble Supreme Court in case of ¹⁰**LOKESH SINGH Vs. STATE OF U.P.**, wherein, the Hon'ble High Court had concluded about unreliability of incriminating material, which is not permissible at the stage of bail during trial and thus, allegation on its face value is to be considered. It is further held that nature of accusation, severity of punishment, nature of supporting evidence, reason-

⁹ *STATE OF KERALA Vs. RANEEF : 2011(1) SCC 784 = AIR 2011 SC 340 = Cr.A. 3/11, D/-3/1/11*
¹⁰ *LOKESH SINGH Vs. STATE OF U.P. : Cr.A. 1649/08 [arising from SLP(Cr.) 2861/07], D/- 21/10/08*

able apprehension of tampering with witness or threat to him, prima facie satisfaction of Court in support of charge etc. are some of the factors to be considered before granting bail.

- (17). The regular bail application cannot be granted only on the ground that Accused is in jail since about few days in offences punishable for life imprisonment and in such grave and serious offence, it deserves to be dismissed based on the facts of case, during pendency of investigation. When alleged offence is punishable with life imprisonment, then the factors - Accused's age, dependency of family, resident of local area, availability at trial or Applicant is in jail since about few days etc. will not be justifiable and reasonable grounds to invoke discretionary power vested with this Court. So, this Court do not feel just and proper to use discretionary power looking the alleged offence. In the humble opinion of this Court, if following order will be passed, then it will be in the interest of justice and society at large. Hence, I pass following order :

-:: ORDER ::-

- **The Regular Bail Application, under Section 483 of B.N.S.S. (U/s. 439 of Cr.P.C.) of Accused, is dismissed, at this primary stage of investigation.**
- **It is worthless to note that**

these observations and reasons are preliminary in nature only with a view to decide bail application and shall neither influence nor shall has binding effect to the Hon'ble Trial Court or investigating officer.

- **It is worthless to note that the Accused will have liberty to file fresh bail application, after completion of investigation and filing of charge-sheet.**
- **Yadi of this Order, is ordered to be sent to the concerned Police Station and to the concerned Ld. Magistrate, forthwith.**
- **The papers of investigation is to be returned back.**

Signed, pronounced and declared in Open Court on this 1st day of June, 2026, at Jamnagar.

Date : 01/06/2026

Place : Jamnagar

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(Rasikkumar V. Mandani)

3rd Addl. Sessions Judge

Jamnagar (Code : GJ00715)