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	Registered on	:	18/02/2026		
	Decided on	:	09/03/2026		
GJJN200000802026	Duration	Years	Months	Days	
		0	0	19	

**IN THE COURT OF 4th ADDITIONAL SESSIONS JUDGE,
VISAADAR.**

Criminal Misc. Application No. 44/2026

Exh. :

Applicants:

- (1) Shamjibhai Bholabhai Tadhani**
Age: 34 years, Occupation: Business,
Resident: C-203, Prakruti Residency,
Maa Vishvambhari Trithyatra Dham,
Rabda, District Valsad.
- (2) Dhavalkumar Gordhanbhai Gadara**
Age: 31 years, Occupation: Business,
Resident: B-501, Prakruti Residency,
Maa Vishvambhari Trithyatra Dham,
Rabda, District Valsad.
- (3) Rudabhai Mansukhbhai Budasana**
Age: 43 years, Occupation: Business,
Resident: Shree Ram Society,
Street no. 2, Sardhar,
District Rajkot.
- (4) Pankajkumar Navinchandra
Sitapara**
Age: 63 years, Occupation: Business,
Resident: A-30, Ambalal Park,
Tajpura Road, Padra,
District Vadodara.

- (5) **Sureshbhai Dhirubhai Amipara**
Age: 42 years, Occupation: Business,
Resident: Maa Vishvambhari Tirthyatra
Dham, Rabda, District Valsad.
- (6) **Yogeshkumar Rudabhai Khanpara**
Age: 35 years, Occupation: Service,
Resident: 104, Old Primary School,
New Plot Vistar, Targhari,
Tal. Kukavav-Vadiya,
District Amreli.
- (7) **Savan Pareshbhai Baraiya**
Age: 20 years, Occupation: Service,
Resident: Maa Vishvambhari Tirthyatra
Dham, Rabda, District Valsad.
- (8) **Sagar Naranbhai Gami**
Age: 29 years, Occupation: Business,
Resident: Maa Vishvambhari Tirthyatra
Dham, Rabda, District Valsad.
- (9) **Manishbhai Ravjibhai Rangani**
Age: 42 years, Occupation: Service,
Resident: X-502, Amo Palace,
Near Shaligram Flora,
Pasodra Patiya Road,
Navagam, Surat.
- (10) **Hirabhai Rambhai Jadav**
Age: 43 years, Occupation: Business,
Resident: D-601, Victoriya Residency,
Opp. J.B. Diamond School,
Pasodra Patiya Road,
Navagam, Surat.
- (11) **Akhil Vithalbhai Ramani**

Age: 28 years, Occupation: Service,
Resident: Kalasar, Plot,
Lilapur, Tal. Jasdan,
District Rajkot.

(12) Ravin Kishorbhai Bhalani

Age: 30 years, Occupation: Business,
Resident: 48, Shilpan Basera,
Sadhuvasvani Road,
Opp. Sadhuvasvani School, Rajkot.

(13) Rupeshbhai Rudabhai Khanpara

Age: 42 years, Occupation: Business,
Resident: "Uma Krupa",
Dwarkadhish Society, Street No.4,
Behind Gokuldharm, Rajkot.

Versus

Opponent: The State of Gujarat
Through Ad.P.P.,
Visavadar.

**Sub. : Anticipatory Bail Application under section 482 of
B.N.S.S.**

(Bhesan Police Station Crime Registration No.
11203007250508/2025 under Sections
140(2),310(2),118(1),115(2),351(3),296(b),61(2) of the
B.N.S.,2023 and under section 135 of G.P.Act)

Appearances:-

Ld. Adv. Mr. J.N.Patel for the Applicants.
Ld. A.G.P. Mr. V.N.Madhak for the Opponent.

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

1. This application is filed by the applicants under Section

482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short “BNSS”), seeking anticipatory bail as applicants are having apprehension that they will be arrested in connection with Crime Registration No. 11203007250508/2025, registered with Bhesan Police Station for the offences punishable under Sections 140(2), 310(2), 118(1), 115(2), 351(3), 296(b), 61(2) of the B.N.S. 2023 and under section 135 of G. P. Act. It is further stated that applicants are residing at the address mentioned in the application and doing their respective work as stated in the application. It is further stated that the applicants are innocent and the complainant has filed the complaint with false allegations to satisfy personal ill intention. It is further stated that there is no prima-facie case against the applicants and they are not involved in commission of the present offence their names were wrongly implicated in the present offence. It is further stated that police is investigating on their residence in their absence and there is apprehension that the police may arrest the applicants and if police arrest them then their reputation will be damaged and their family feeling ashamed in front of others. It is further stated that applicants have no criminal history and other accused of the present offence are already enlarged on bail, hence prayed to give benefit of parity and requested to enlarged them on anticipatory bail.

2. The prosecution case, in brief, is that the complainant obtained information under the RTI Act regarding alleged illegal activities of Vishvambharidham Charitable Trust and Maa Vishvavidhata Charitable Trust. Based on this information, the authorities sealed the hospital run by the trusts, took action

against five units including a canteen, and ordered sealing of illegal construction on the upper floors of two school buildings, which was likely to result in a heavy penalty for stamp duty evasion and caused financial loss to the trust. It is alleged that, due to this grievance, the accused persons came near Shyam Hotel at Tadka Pipaliya village on Jetpur–Bagasara Road in a four-wheeler and motorcycles, assaulted the complainant with kicks, fists and a bat, forcibly took away witnesses Rajesh Sahu and Ravi Paswan, snatched a Honda Shine motorcycle, cash and mobile phones belonging to the complainant and witnesses, threatened the complainant to hand over the RTI documents and to compensate the alleged loss, and also gave threats of death, while violating the prohibitory order issued by the District Magistrate.

3. The notice was issued to the other side. The Ld.P.P., representing the State, has appeared before this Court and filed the affidavit of Investigating Officer vide Exh.-8 to resist the application and stated that if the applicant/accused are released on anticipatory bail, there is a serious apprehension of further quarrel and confrontation with the complainant and witnesses, as the applicant/accused and co-accused have allegedly caused injuries earlier and there is prior enmity between the parties. It is further stated that there is a likelihood that, if released, the applicant/accused may again act in an anger and commit a more serious offence, and granting anticipatory bail may create an impression that persons involved in such serious crimes can easily obtain bail, thereby encouraging similar offences and there is also a possibility that the applicant/accused may not remain

present during trial and may obstruct the prosecution. It is also stated that other co-accused are yet to be arrested, recovery of muddamal is pending, and the investigation is at a preliminary stage. Therefore prayed that considering the seriousness of the offence and the stage of investigation, the applicant/accused do not deserve the relief of anticipatory bail.

4. In the present case the original complainant also produced written objection vide Exh. 4 opposing the present anticipatory bail application. The complainant stated that the complainant alleges that the FIR arises from a serious, organised and premeditated attack committed by the accused as retaliation for his RTI disclosures exposing illegal activities of certain charitable trusts, which resulted in official action and financial loss to the persons concerned. It is stated that the accused unlawfully assembled, assaulted the complainant with weapons, caused serious injuries, abducted and assaulted witnesses, committed robbery, and issued life-threatening threats to force him to hand over RTI documents. The complainant further states that call recordings disclose a wider criminal conspiracy involving absconding and influential accused, and that several aspects of the investigation, including arrest of co-accused and recovery of weapons and property, are still pending. It is further stated that he apprehends to his and to witnesses' life and submits that grant of anticipatory bail may result in tampering with evidence, intimidation of witnesses and repetition of similar offences, and therefore opposes grant of anticipatory bail.

5. At the time of argument, the Ld. Advocate for the applicants has respectfully submitted that other 10 accused have

granted regular bail and 3 accused have granted anticipatory bail, complaint is malicious, there is no prima-facie case, the co-accused, against whom specific allegations of showing a *Sudi* and assaulting the complainant by bat, have already been released on bail. It is further argued that there is no specific allegation against the present applicants and even their names are not specifically mentioned in the complaint with any overt act attributed to them, applicant Nos. 7 and 8 are businessmen and the other applicants are service persons, none of the applicants have any criminal antecedents, the complaint appears to have been filed with an ulterior motive only to satisfy personal grievances, the affidavit filed by the police does not disclose any new or additional facts except what has already been stated earlier, no recovery or discovery is to be made from the present applicants, their custodial interrogation is not required, the applicants are ready and willing to cooperate with the investigation at any stage, the objections raised by the complainant in reply are similar to the earlier allegations and do not disclose any new material, the details of the phone mentioned in it do not belong to the present applicants. Hence, Ld. Advocate for the applicants prayed to give benefit of parity and grant present anticipatory bail application of the applicants.

6. On the other hand, learned AGP for the State has argued that if the applicants are released on bail, there is a possibility that they may abscond and cause delay in the trial of the case. It is further submitted that considering the affidavit filed by the Investigating Officer and the written objections submitted by the complainant, the present application deserves to be rejected.

Therefore, it is prayed to reject the present anticipatory bail application of the applicants.

7. I have heard the Ld. Advocate for the applicants/accused at length as well as Ld. P.P. for the State. I have also gone through the affidavit of Investigating Officer vide Exh.-8. It is further pertinent to note that other co-accused have already been enlarged on bail. From the affidavit and FIR, prima-facie it seems that the present applicants have not play any direct role for kidnaping. Considering the submissions of both sides and the material on record, although the accused are charged with serious, sessions-triable offences under the BNS, a bail application cannot be decided only on the basis of the sections invoked and the nature of the offence, the surrounding circumstances and the role of the accused must be considered.

8. In the present case, the complainant, who is a resident of Bhesan Taluka, Junagadh District, had made a donation of Rs. 101/- six months ago to a trust located 350 km away from his residence, and had obtained a receipt thereof. Thereafter the complainant submitted various applications in different government offices is significant and deserves the attention of this court. It is also pertinent to note here that the complainant's brother-in-law was running a canteen in the premises of the trust and his contract was not extended. On the date of offence, the said brother-in-law of the complainant, who runs a canteen in Valsad District, did not go alone but his staff also went to the complainant's field, which is 350 km away from Valsad. During this visit, one staff member was kidnapped, and another gave statements supporting the complainant. As per the complaint the

complainant has made the said complaint with the name of the all accused person. When he just donate Rs. 101/- to the trust during his visit with family, how he had identified the accused by name is not specified in the FIR. All these things are required to be taken into consideration. Furthermore, It is also required to be taken note of that when the complainant went to search for the missing staff member of his brother-in-law's canteen, motorcycle of the complainant was found, an unknown person was present setting upon his motorcycle, and during questioning the complainant was directly attacked and after this attack, other relatives of the complainant also arrived at the place of incident. As per the argument of the accused side, the mobile phone of the complainant was snatched by the co-accused. Ironically, the police of 2 (Two) Talukas i.e. police of Bhesan and police of Dhandhuka reach at the spot at the time of incidence. How these much co-incidences occurred ? need consideration. As per the argumnet of the accused side, on the date of the complaint, it was working day. Eventhough the FIR was submitted before the magistrate court on next date. Considering all these events, the delay caused by the complainant in reporting the matter should be taken into account by the court. The facts show several circumstances that require consideration at this stage, including the complainant's prior actions, the involvement of persons from a distant place, prior acquaintance between the parties, and the delay in lodging the FIR. At the stage of bail, this Court does not find it appropriate to examine the merits of the evidence or the applicability of specific penal sections. However, considering the overall facts and circumstances, role of the present applicants accused, and the fact that the FIR was registered on 04/12/2025

and substantial investigation of the offence appears to have been completed. Hence at this stage the prosecution's contention that the investigation is still at a preliminary stage cannot be accepted.

9. The applicants are businessman and service persons and no specific role in commission of the present offence is alleged by the prosecution and other accused including prime accused are already enlarged on bail. The Hon'ble Supreme Court in the case of **Siddharam Satlingappa Mhetre V/S State Of Maharashtra** ([2011] 1 SCC 6941) has enunciated the principle that the Courts have to maintain fine balance between personal liberty and societal interest.

10. In the present case there seems to be a prior dispute between the complainant and the accused, and the complainant used the RTI Act to seek information. As per the documentary evidence produced from the accused side, the complainant himself have criminal back ground. But the complainant's criminal back ground can not be the base of bail. Nor it dis-entitled the complainant for seeking justice from the court of justice.

11. Further the purpose of Section 482 of the B.N.S. 2023 is to protect any person from arrest in false complaint. The court is duty bound to see that the fundamental right to personal liberty of the accused must not violated. **The Hon'ble Supreme Court, in the case of Siddharam Satlingappa Mhetre**, has held that the presumption of the accused's innocence must be balanced with public interest and individual liberty. Arrest should be a last resort, and the court should use the discretionary power under

Section 438 of the CrPC to prevent unnecessary arrests. Moreover, arresting a person can lead to defamation and damage to their reputation. Referring to judgments like **Sanjay Chandra v. CBI (2012) ISC, page 40 and Siddharam Satlingappa Mhetre v. State of Maharashtra & Others (2011 (2) GLR 1615)**, the Supreme Court emphasized that the law intends to protect the accused from complaints filed to harm their reputation or socially defame them. Therefore, this court is of the opinion to use its powers in favour of the applicants/accused to prevent such harm.

12. Further there are no criminal antecedents against the applicants/accused according to the police report. Considering the long distance between the accused and the complainant, there appears to be no possibility of tampering with evidence, threatening the complainant, or influencing witnesses, and no likelihood of recurrence of the alleged offences. Additionally, there seems to be no necessity for police interrogation.

13. Thus, considering the law laid down in the **Siddharam Satlingappa Mahetre Vs. State of Maharashtra and others**, reported in 2011 CRILJ 3905, **Bhadresh Bipinbhai Sheth Vs. State of Gujarat and other**, reported in 2015 GLH 165 and in the case of **Asha Dubey Vs. The state of Madhya Pradesh** by Hon'ble Apex Court in Criminal Appeal No. 4564 of 2024 and considering the role attributed by the applicants/accused and in view of the above aspects, I am inclined to exercise my judicial discretion in favour of the applicants/accused at this stage. Hence, I pass the following order:

-:: ORDER ::-

1. The anticipatory bail application under Section 482 of B.N.S.S., 2023, filed by the applicants, namely: **(1) Shamjibhai Bholabhai Tadhani (2) Dhavalkumar Gordhanbhai Gadara, (3) Rudabhai Mansukhbhai Budasana, (4) Pankajkumar Navinchandra Sitapara, (5) Sureshbhai Dhirubhai Amipara, (6) Yogeshkumar Rudabhai Khanpara, (7) Savan Pareshbhai Baraiya, (8) Sagar Naranbhai Gami, (9) Manishbhai Ravjibhai Rangani, (10) Hirabhai Rambhai Jadav, (11) Akhil Vithalbhai Ramani, (12) Ravin Kishorbhai Bhalani & (13) Rupeshbhai Rudabhai Khanpara**, in connection with Crime Registration No. 11203007250508/2025, registered with Bhesan Police Station, hereby stands allowed. In the event of arrest of any the applicants, they should be released on conditions as stated henceforth.

2. The Investigating Officer of **Bhesan Police Station** is hereby directed to release the applicants in the event of his arrest in connection with Cr.No.11203007250508/2025, registered with Bhesan Police Station on furnishing surety of **Rs.15,000/- (Rupees Fifteen Thousand Only)** for each applicant/accused and personal bond of like amount, subject to the following terms and conditions:

1. The applicants shall cooperate with the investigation and make themselves available for interrogation whenever required;
2. The applicants shall not leave the territorial limits of India without the prior permission of the Court;

3. The applicants shall furnish their residential address with authenticated proof before Ld. Trial Court and I.O. and shall not change their address without prior permission of this Court;
 4. The applicants shall not take undue advantage of the liberty or abuse his liberty;
 5. The applicants shall not try to tamper or pressurize the prosecution witnesses or complainant in any manner;
 6. If the applicants holds a passport, they shall surrender it before the learned Trial Court within one week of being released on bail. If they do not hold a passport, they shall file an affidavit to that effect before the learned Trial Court.
3. Yadi of this order be made accordingly.

Signed and pronounced in the open Court, today on this **9th day of March, 2026.**

Date : 09/03/2026.
Place: Visavadar.

(Hetalkumar Vinodray Joshi)
4th Additional District &
Sessions Judge,
Visavadar.
[Code No:GJ00599]