



Received on 24/02/2026  
 Registered on 24/02/2026  
 Decided on 16/03/2026  
 Duration Y. M. D.

**IN THE HON'BLE COURT OF 4TH ADDL. SESSIONS JUDGE  
 KHEDA AT NADIAD**

**CRIMINAL MISC. APPLICATION NO.233 OF 2026**

**Exh.: \_\_\_**

**APPLICANT :~**

**(Orig. Accused)**

Falguni Dipakkumar Malvi

Aged: 25 Years, Female,

Occup.: Unemployed,

Residing at: Samarpan Flat, Dhundhiyavadi,

Palanpur - 385001.

**Versus**

**Respondent :~**

The State of Gujarat

For the Applicant	Ld. Advocate Mr. J.G. Parmar
For the Opponent	Ld. P.P. Mr. D.R. Barot

**An Application u/S. 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (u/S.438 of Code of Criminal Procedure)**

**JUDGMENT**

- (1) Applicant has preferred Bail Application u/S. 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (u/S.438 of Code of Criminal Procedure) in view of likelihood of being arrested in pursuance to the FIR lodged against her vide C.R.No.I.11204041260142 of 2026 registered with Mahemdavad Police Station for the offence punishable u/Ss.318(4) of Bharatiya Nyaya Sanhita.

- (2) The brief facts of the complaint are as under:

Between 12.2.2022 to 12.2.2026, the applicant lured the Complainant on pretext of having loved him by telling

him that she loves him and expressed love gestures by writing on her arm and on her chest that she loves the Complainant and emotionally blackmailed the Complainant that her family would not allow her to study and that she was in need of money. It is further alleged that the applicant also told the Complainant that she had travelled to Belgium, Europe and the Manager of her company took her passport and wont allow her to leave and on such Pretexts, the applicant extracted an amount of Rs.75,60,000/ by portraying as if she loved him. Hence, the impugned FIR came into existence.

- (3) Notice of the present application was issued to the respondent-State. Ld.PP appeared on behalf of respondent – State and submitted Affidavit of Mahemdavad Police vide Exh.7, alongwith documents.
- (4) It is submitted by the Ld.Advocate for the applicant-orig. accused that applicant has not committed any offence and falsely roped into the offence by the complainant and the contents of the said FIR are absolutely baseless, bogus and vexatious. She has stated that in reality, the complainant was having an extra marital affair with the applicant and has raped the applicant on pretext of marrying her by portraying before the applicant that he was living an unhappy married life and cunningly suppressed the facts that he has had physical relations with the applicant multiple times at multiple locations on pretext of expressing love towards her. She has further stated that the complainant had willingly undertaken to take care of the applicant and all her needs by telling her that he loved her

and she did not need to do any job as he loves her and will take of her so that soon they both shall marry and she has confronted the complainant as to why he was not marrying her and only having physical relations with her then complainant threatened that if she did not sleep with him and if she did not have physical relations with him as and when he needed, he would lodged a Complaint before Police Station that the applicant looted him of money. The applicant could not afford to pay the Complainant, the Applicant was forced to sleep with him and not only that, but the Complainant also recorded his intimate moments with the applicant and threatening her that if, she does not succumb to his demands, he would leak all the videos. She has further stated that a complaint of rape has also been filed by the applicant before Vatva Police Station, Ahmedabad on 26/12/2025 and as soon as the complaint of rape was filed by the applicant, the impugned FIR comes to be registered against the applicant. She has further stated that there are audio recordings to the effect where the Complainant threatens the applicant to come and have physical relations with the applicant failing which he shall proceed to file a police complaint against her for not returning him his money. A complainant is an aged man having a wife and daughter and it is quite improbable to believe that he was looted by applicant on pretext of love. She has stated that this is not a case where custodial interrogation of the applicant is needed. She is ready and willing to produce the surety in the event if the present application is granted. She is willing to abide and

follow any conditions imposed upon her by this Hon'ble Court.

Ld.Advocate for the applicant has produced documentary evidence vide List Exh.3 & Exh.8.

- (5) Mahemdavad Police in its affidavit vide Exh.7 objected against the release of applicant on the ground that the investigation of the said offence is currently in progress, in the said case, the mobile phone of the applicant/accused/photograph sent by the accused to the complainant/love letters written by the accused to the complainant are yet to be collected from the applicant/accused for the purpose of investigation, so the presence of the applicant/accused in police custody is required. Further, the applicant/accused has dishonestly transferred approximately Rs.75,60,000/- from the complainant in love and trust to her bank account online, all of which is yet to be recovered from the applicant/accused, so the presence of the applicant/accused in police custody is required. In this case, the applicant/accused has also transferred money online from the complainant to the accounts of other co-accused and for the investigation of the co-accused and obtain more strong evidence for the offence. Moreover, the applicant/accused has given false details to the complainant that she is stranded in Europe Belgium, sent an airplane ticket to the complainant by mail and extorted money from the complainant, so that whether the applicant/accused had actually gone to Belgium? In order to investigate this matter, the presence of the

applicant/accused in police custody is required and if the applicant/accused has gone to Belgium for this purpose, does she hold an Indian passport? So there is a high possibility of her fleeing abroad, which may hinder the investigation of the offence. The applicant has requested for the purpose of investigating the details of the accused's bank account, which is likely to lead to the discovery of other victims after studying it. It is also submitted that even notice issued to the applicant/accused on 26/02/2026 to remain present on 05/03/2026 for the police inquiry but she does not remained present. Therefore, at the current stage of investigation, it is requested that the applicant/accused not be released on anticipatory bail. There is every possibility that there are other co-accused in this offence, who are the co-accused? The applicant/accused is well aware of all the true facts, which require the presence of the applicant/accused in police custody to bring out the facts and to stop the offence like extortion and to set the example in the society and keeping the all the facts and circumstance of the present case, it is requested not to grant anticipatory bail to the applicant/accused in the interest of justice, hence present application be rejected.

- (6) Ld.PP. submits that present applicant is involved in the serious offence like extortion and present applicant/accused has dishonestly transferred approximately Rs.75,60,000/- from the complainant in love and trust to her bank account online, hence

considering the affidavit of I.O and seriousness of the offence, present application be rejected.

- (7) Heard. Read the application, police papers, documents produced by both the sides. Considering the submissions made by both the parties and looking to the contents of the F.I.R., affidavit filed by the investigating Officer and the Police Papers produced before this Court on record, name of the present applicant is mentioned in FIR and in the affidavit of the I.O. Considering the role, nature and gravity of accusation as well as ground mentioned in the captioned Application that the Applicant/Accused shall not flee from justice, in the event, she may be released on Bail. That the Trial of the present case will take lot of time to be completed and the applicant/accused is a woman and she has no other criminal history. Further, no any custodial interrogation has been necessary for the said offence. As the notice issued to the applicant and she remained absent for that she has produced copy of notice and its reply dated 08/03/2026 vide List Exh.8 that she has to remain present on 05/03/2026 before the concerned police station but she received the said notice on 07/03/2026 hence, she remained absent on 05/03/2026 but she has stated in her reply that she will follow all the rules and regulations of the notice in future. That Applicant /Accused has given assurance that she shall abide by all the conditions, if granted anticipatory Bail. She also appears to be permanent resident of the Address mentioned in the Bail application.

(8) As per Hon'ble Supreme Court's judgment **reported in A.I.R 2011 S.C 312 in case Siddharam Satlingappa Mhetre v. State of Maharashtra and Ors, wherein it is held** that *"discretion vested in the Court in all the matters should be exercised with care and circumspection, depending upon the facts and circumstances justifying its exercises and try to maintain fine balance between the social interest viz-a-vis personal liberty while adhering to the fundamental principles of criminal jurisprudence that the accused is presumed to be innocent till he is found guilty by the competent court. Similarly, the discretion vested with court under section 438 of the Code should also be exercised with caution and prudence and it is unnecessary to travel beyond it and subject the wide powers and discretion conferred by the legislature to a rigorous code of self imposed limitations."* It is needless to say that 'Bail is the Rule and its refusal an Exception'. That the Accused in criminal Trial is to be presumed innocent until found guilty. Thus, as discussed herein-above, at this juncture, this court is of the view that as the applicant is woman and she has no other criminal history. Further, no any custodial interrogation has been necessary for the said offence, hence, discretion is to be exercised in favour of the applicant to enlarge her on anticipatory bail after imposing certain condition, hence the following order.

**:- ORDER :-**

- [1] The Criminal Miscellaneous Application No.233/2026 file under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, is hereby **ALLOWED**.
- [2] The Applicant, Falguni Dipakkumar Malvi be released on bail, in pursuance to the FIR lodged against her vide C.R.No.I.11204041260142 of 2026 registered with

Mahemdavad Police Station for the offence punishable u/Ss.318(4) of Bharatiya Nyaya Sanhita, on executing the Personal Bond of Rs. 15,000/- (Rupees Fifteen Thousand Only) with one surety of like amount; subject to following terms and conditions:~

- (i) Furnish her permanent residential Address to the Investigation Officer and Ld. Lower Court, and shall not change her address without prior permission of the Court.
  - (ii) Co-operate with the Investigation Agency.
  - (iii) Not threaten the witnesses, complainant or tempering with the evidence.
  - (iv) Deposit the passport before the Ld. Lower Court, if she is having, and if she has no passport, then, she has to file an Affidavit to that effect before the Ld. Lower Court within three days of her release.
  - (v) Not to leave the territorial limit of Gujarat without prior permission of Ld. Lower Court.
  - (vi) Not act in a manner injurious to the interest of the prosecution.
- [3] The Investigating Officer is hereby ordered to place the papers of bail before the competent Court within three days from its execution.
- [4] Intimate to the Ld. Lower Court and concerned Police Station.

Pronounced in the open Court on this 16th day of March, 2026

Date:16/03/2026  
Place: Nadiad

**(MUKESHKUMAR JAYANTILAL BRAHMBHATT)**  
4<sup>th</sup> Additional Sessions Judge  
Kheda at Nadiad  
**Code No.GJ00754**