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Decided on 11/03/2026  
Duration Y. 00 M.00 D.12

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

**CRIMINAL MISC. APPLICATION NO.256 OF 2026**

**Exh.: 6**

**APPLICANT :~**

- (1) Bhikhabhai Parsottambhai Patel  
Age: 70 Yrs., Occup.: Service,
- (2) Ghanshyamgiri Balgiri Gosai @ Goswami  
Age: 68 Yrs., Occup.: Pujari,
- (3) Maheshkumar Natubhai Patel  
Age: 45 Yrs., Occup.: Service,  
All Residence: Mu.: Vathvali,  
Ta.: Mahemdavad, Dist.: Kheda.  
(At present in Judicial Custody, Bilodara Jail)

**Versus**

**Respondent :~**

Govt. Of Gujarat

For the Applicant	:	Ld.Advocate Mr. A. T. Bajpai
For the Respondent	:	Ld. D.G.P. Mr. D.R. Barot

**Application u/S.483 of Bharatiya Nagarik Suraksha Sanhita  
2023 (Sec. 439 of Cr.P.C.)**

**:- JUDGMENT :-**

- (1) Applicants, (1) Bhikhabhai Parsottambhai Patel (2) Ghanshyamgiri Balgiri Gosai @ Goswami and (3) Maheshkumar Natubhai Patel have preferred present application for regular bail for the offences registered against them with Mahemdavad Police Station, bearing I.C.R.No. 11204041260018/2026 for the offence u/Ss.318(2),324(3), 324(5), 329(3) 336(2)(3), 338, 340(2)

and 61(2)(a) of the Bhartiya Nyay Sanhita, 2023 and Section 3 of the Prevention of Damages of Public Property Act .

**(2)** The short facts of the complaint are that :

The First Informant namely Piyush Govanbhai Deshmukh working as an Executive Engineer, Mahudha Irrigation Department has lodged the complaint and in his complaint stated that the said land was acquired in the year 1979 by paying compensation and that the houses of Irrigation Department were constructed at the said land. It is further stated that the Department colony was not used for a long time and as it was not in use the colony was in a dilapidated situation. It is further alleged that as the colony was not repaired form a long time and taking the advantage of the situation, all the accused persons inherited the land by cheating and that obtained the compensation illegally and that the said colony was demolished without taking any prior permission of the Government. It is alleged that the Orig. Accused No. 1 to 6 inherited the land in their name and in connivance with each other to gain monetary benefit and along with Orig. Accused No.7 cause loss to Government property and that further sold the land to Orig. Accused No.8 by way of a Registered sale deed and in this way all the accused have committed an offence, hence, complainant has filed F.I.R. against the present applicants.

**(3)** Notice in pursuance to present application was issued to the respondent-state, and on service of notice, Ld.PP appeared on behalf of the state.

- (4) Investigating officer has filed his affidavit, objecting release of the applicants on bail, vide Exh.5.
- (5) Ld.Advocate for the applicants have submitted that they are innocent and have not committed any offence as alleged against them and no prima facie case has been made out against them as no any name of the applicants have been mentioned in the complaint only on beyond reasonable doubt they were arrested. They have only made signature on the pedigree as witnesses. The present applicants have been wrongly implicated in the said offence. There is no allegation made against the present applicants of submitting false documents or making false declarations or making false affidavits. Further, they have not obtained any amount as benefits in the said case. Only on the basis of trust as neighbour they have made signature. The present case is a related to documentary evidence and all the documentary evidence is currently in police custody, so there is no need for judicial custody of the present applicant nor is there any possibility of tampering with the evidence. The present applicants have no criminal history. The accused are permanently residing at the address mentioned in the application not runaway. Further, applicant No.1 is 70 years old and he is suffering from Blood pressure and applicant No.2 is 68 years old and he is suffering from Asthma and Blood pressure and they are not likely to tamper with the evidence and are ready to cooperate with the police investigation whenever and however necessary. Applicants have stated that their custodial interrogation have already been completed and there is no question for more recovery

and discovery. They have further submitted that they have no past antecedents and they are ready & willing to abide by the conditions that may be imposed by the court. Hence, present application be allowed.

- (6) I.O. i.e. P.I. of Mahemdavad Police Station, in its affidavit vide Exh.5 states that the present applicants are the permanent resident of the Vathvali and they are the neighbours of Accuse Nos. 4 to 7 and they have very well known the accused since many years. In Succession Mutation Entry No. 7308, dated 30/11/2024, the land in Block No. 836 was registered against Accused No.(01), and in such Mutation entry he transferred on his one son namely, Ankitbhai S/o. Chandrakant Mohanbhai Patel, which was also hidden, and Succession Mutation Entry No.7308, dated 30/11/2024, and entered him as an heir on the basis of that pedigree and thereby defrauding with the Irrigation Department. The accused has committed an offence by creating false documents and using them as genuine, thereby causing damage to the department and obtaining financial benefit of Rs. 44,88,000/- and on the said false pedigree the present applicants have made signatures as witnesses and helped the accused for doing the above said offence. Keeping this in mind, he has given opinion that applicants/accused should not be granted bail in the interest of justice.
- (7) Ld.P.P. submits that investigation is in progress and when the applicants' involvement in the serious crime is established, no case is made out as would entitle the applicants to the relief's sought. It is also submitted that

there is likelihood of tempering with the evidence as well as threatening the complainant hence, considering all these aspects, the present application is required to be rejected.

**(8)** *It is necessary for the courts dealing with application for bail to consider among other circumstances, the following factors also before granting bail, they are :-*

*(1) The nature of accusation and the severity of punishment in case of conviction and the nature of supporting evidence;*

*(2) Reasonable apprehension of tampering of the witness or apprehension of threat to the complainant;*

*(3) Prima facie satisfaction of the Court in support of the charge.*

**(9)** I have heard the Ld.Advocate for both the sides, perused the police papers, affidavit of the I.O. and documentary evidence produced by the applicants at List Exh.3. Looking to the police papers and Affidavit of the I.O. the investigation is still in progress and the need for special interrogation of the applicants arises for the investigation.

**(10)** Hence, affidavit of the Investigating Officer clearly indicates that a prima facie case made out against the applicants and looking to the seriousness of the offence, the investigation is still in progress and special interrogation of the applicants will need in the investigation therefore, if they released on bail, there is a possibility that they will abscond and also there is a possibility of disruption in the investigation. Hence, it does not deems just to release the

applicants on bail, at this stage. Hence, the following order:-

**:- ORDER :-**

- [1] Criminal Misc. Application No.256/2026 of the applicants, (1) Bhikhabhai Parsottambhai Patel (2) Ghanshyamgiri Balgiri Gosai @ Goswami and (3) Maheshkumar Natubhai Patel for the offences registered u/Ss. 318(2), 324(3), 324(5), 329(3) 336(2)(3), 338, 340(2) and 61(2)(a) of the Bhartiya Nyay Sanhita, 2023 and Section 3 of the Prevention of Damages of Public Property Act, is hereby **REJECTED**.
- [2] Applicants be informed of the said order through Concern Jail authority.

Signed and Pronounced in open court on 11th Day of March, 2026.

Date:11/03/2026  
Place: Nadiad

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