



GJMR010005302026



Received on : 05/03/2026  
Registered on : 05/03/2026  
Decided on : 11/03/2026  
:  
Duration DD-MM-YY  
07-00-00  
Exh. :

**IN THE COURT OF ADDITIONAL SESSIONS JUDGE,  
MORBI.**

**Cri. Misc. Appln. No.265/2026**

**Applicants :-**

- 1. BAVJIBHAI urfe BALABHAI BECHARBHAI  
UKEDIYA**  
AGE-55 YEARS, OCC. FARMING,
- 2. MERUBHAI BAVJIBHAI UKEDIYA**  
AGE-27 YEARS, OCC. FARMING,

BOTH R/O- JAY AMBE SOCIETY, NR. DHARMENDRA  
POTTERY, THANGADH, DIST - SURENDRANAGAR.

- 3. RASIKBHAI DEVSHIBHAI THARESHA**  
AGE - 42 YEARS, OCC. FARMING,  
R/O - VILLAGE - SITAGADH, TA - SAYLA,  
DIST - SURENDRANAGAR.

**Vs.**

**Opponent :-**

THE STATE OF GUJARAT,  
THROUGH A.P.P., MORBI.

**BEFORE SHRI K. R. PANDYA  
ADDITIONAL SESSIONS JUDGE, MORBI.**

**Advocates:-**

Mr. S. K. Chhaya, Ld. Adv. for Applicant/Accused.

Mr. S. C. Dave, Ld. A.P.P. for Opponent/State.

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**-:: JUDGMENT ::-**

- [1] This application has been filed by the applicants, to enlarge them on Anticipatory bail, u/s.482 of B.N.S.S., in connection with the application produced before Wankaner Police Station vide, for the offences punishable u/s. 316(2), 337, 338, 340(2) and 54 of the Bharatiya Nyay Sanhita (herein after referred to as "The B.N.S." in short).
- [2] The applicants/accused are apprehending their arrest in connection with the offence registered as mentioned above and the applicants/accused have reason to believe that they may be arrested in connection with the said offence. Accordingly, the present anticipatory bail application is being filed under Section 482 of the B.N.S.S.
- [3] The notice was issued to the other side. The Ld. A. P. P. Mr. S. C. Dave, has appeared on behalf of the State and resisted the present application.
- [4] The Ld. Advocate, Ms. S. K. Chhaya, appearing for the applicants, has argued before the Court that, the applicant has no connection with the alleged offence and that they have been falsely implicated with the present offence.

They have no role in the alleged offence. It is further submitted that the complainant is trying to make Civil matter as Criminal Matter. Further, no substantial evidence regarding coercion has been produced. The learned Advocate for the appellants submitted that even the police authorities themselves appear to be proceeding on the premise that the matter in question is essentially a civil dispute. It was further argued that it is not even clear whether any proper complaint has actually been registered. It was argued that the alleged incident pertains to a period of about thirteen years prior, whereas the document in question is stated to have been executed approximately two years ago. The learned Advocate further submitted that the police are exerting undue pressure upon the appellants on the basis of a false application. It was also argued that the complainant himself has admitted the fact of having executed the sale transaction. According to the appellants, there is no material on record to indicate that any proceedings have been initiated for cancellation of the said document. The learned Advocate further submitted that the police authorities merely summon the appellants through telephone calls without even issuing any formal notice. Lastly, it was argued that the appellants have not misused any governmental machinery or authority in any manner. It is submitted that the applicant undertakes to abide by all or any condition that may be imposed by the Court in bail order and considering all the above factor it has been

prayed that the present petitioner may be enlarged on bail.

[5] So far as the State is concerned, the Ld. Additional Public Prosecutor, Mr. S. C. Dave, has opposed the bail application and further submits that present applicants are actively involved in the offence and there are serious allegations against the applicants. The learned Additional Public Prosecutor submitted that the Surendranagar Police had merely transferred the application to the Wankaner Police, and that there were not two separate applications as alleged by the applicant. It was further contended that the applicant has produced only a single page from the D.E. list before the Court, and on the basis of such an incomplete document no proper conclusion can be arrived at. The learned APP further argued that the applicant is attempting to seek relief by relying upon only that single page. According to the State, this conduct itself demonstrates that the applicant has not approached the Court with clean hands and has not placed the complete and true facts before the Court. Therefore, looking to the gravity and nature of the offence registered against the present applicant, the present application requires to be rejected.

[6] Having heard the learned Advocate for the applicants and the learned Additional Public Prosecutor for the State, and upon perusal of the material placed on record, this Court

finds that the applicants are seeking anticipatory bail in connection with the application pending before Wankaner Police Station for the offences punishable under Sections 316(2), 337, 338, 340(2) and 54 of the Bharatiya Nyay Sanhita. It appears from the record that the investigation is still at a preliminary stage. The police authorities are legally empowered to conduct inquiry and investigation upon receipt of an application disclosing commission of a cognizable offence. The police have full authority to conduct an inquiry into the application. The mere fact that an FIR has not yet been registered cannot be treated as a ground in favour of the applicants; rather, it indicates the neutrality and cautious approach of the investigating officer in verifying the allegations before taking further action.

- [7] It is also pertinent to note that the applicants have relied upon only a single page from the D.E. list while seeking relief before this Court. On the basis of such an incomplete document, no definite conclusion can be drawn. This conduct prima facie reflects that the applicants have not placed the complete and true facts before the Court. The attempt to rely upon selective material suggests that the applicants have not approached the Court with clean hands.
- [8] At this stage, when the inquiry is still in progress and

serious allegations have been made, interference by granting anticipatory bail would not be appropriate. Moreover, the material on record indicates that the applicants have attempted to invoke the extraordinary jurisdiction of this Court on the basis of incomplete and selective facts. Such conduct amounts to misuse of the judicial process.

- [9] Therefore, considering the nature of the allegations, the stage of inquiry, and the overall facts and circumstances of the case, this Court is of the opinion that the applicants are not entitled to the discretionary relief of anticipatory bail. Hence, following order is passed in the interest of justice.

**-:: ORDER ::-**

The present anticipatory bail application is hereby rejected on merits.

Signed and pronounced in the open Court on this **11<sup>th</sup> Day of March, 2026.**

Place :- Morbi  
Date :- 11/03/2026.

**(Kamal Rasiklal Pandya)**  
Addl. Sessions Judge,  
Morbi  
Judge Code GJ00739