

GJPM010008942026



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**IN THE COURT OF 6<sup>th</sup> ADDITIONAL SESSIONS JUDGE,  
PANCHMAHALS AT GODHRA**  
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**CRIMINAL MISC. APPLICATION No. 283/2026**

Exh. \_\_\_\_\_

**Applicants :**

1. Karankumar Hareshkumar Gaurani  
Age : 24 Years, Occupation : Business,
2. Khushiben W/o Karankumar Gaurani  
Age : 23 Years, Occupation : Household Work,

Both are residing at :  
Narmada Nagar Society,  
Taluka : Jhalod, District : Dahod.

**V e r s u s**

**Opponent :**

The State of Gujarat, Gandhinagar.

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**Appearance :**

Mr. B. H. Dave : Ld. Advocate for the applicants  
Mr. R. D. Shukla : Ld. PP for the opponent

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**Application for Anticipatory Bail u/s.482 of BNSS**  
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**J U D G M E N T**

1. The present anticipatory bail application under Sec.482 of BNSS is preferred by the applicants with respect to the offence registered at Shahera Police Station vide C.R. No. 11207061260007/2026, for the offence punishable under Sec. 236(2), 229(2), 337, 340(2), 54 of the BNS.
  
2. The Ld. Advocate on behalf of the applicants has submitted that they are innocent and have been falsely implicated in the present proceedings. It is submitted that both the applicants are major, who have known each other for a considerable period and voluntarily entered into a lawful matrimonial relationship out of their own free will and are presently cohabiting as husband and wife. It is further submitted that the impugned complaint is manifestly false and instituted with malafide intention at the instance of the brother of applicant no. 2, who being opposed to the marriage. It is further submitted that except for Section 337 of the BNS, all alleged offences are bailable in nature and even *qua* Section 337 carry a maximum punishment not exceeding seven years. The applicants have deep roots in society, a settled family life and no criminal antecedents. The applicants are not likely to be absconded and will obey the conditions imposed by the Court, if they will released on bail. Therefore, the ld. advocate has prayed to grant the present application.

3. On behalf of the opponent - State, Ld. PP Mr. R. D. Shukla has remained present, as well as, the IO has submitted objection on affidavit at Exh. 4. The Ld. PP has strongly opposed the present application and submitted that the applicants have committed a serious offence involving forgery and preparation of false documents relating to marriage registration and also forged the signatures of the complainant. It is further submitted that the investigation is at crucial stage and custodial interrogation of the applicants is necessary to unearth the truth. It is also contended that if the applicants are granted anticipatory bail, there is a strong likelihood that they may influence or threaten the complainant and witnesses and may tamper with the evidence. Considering the nature and gravity of the offence and the manner in which the alleged act has been committed, the applicants do not deserve the discretionary relief of the anticipatory bail. So, has payed to reject the present anticipatory application of the present applicants.
4. The original complainant has also appeared through his Ld. Advocate Ms. N. M. Patel and has submitted affidavit raising objection against the present bail application vide Exh : 5. The said objections are taken on record and considered.

5. Heard the Ld. Advocates of respective parties and perused the material on record. Since the present application is preferred u/s.482 of BNSS, seeking anticipatory bail, in pursuance to the same, it is required to refer the well known citation of Hon'ble Supreme Court, which is the case between **Siddhram Satlingappa Mahetre Versus State of Maharashtra (2011) 1 SCC 694**, wherein the scope and ambit of anticipatory bail and the principles regarding the same were narrated in Para-122. The same are as below :-

- " i. *The nature and gravity of the accusation and the exact role of the accused must be properly comprehended before arrest is made ;*
- ii. *The antecedents of the applicant including the fact as to whether the accused has previously undergone imprisonment on conviction by a Court in respect of any cognizable offence ;*
- iii. *The possibility of the applicant to flee from justice ;*
- iv. *The possibility of the accused's likelihood to repeat similar or the other offences ;*
- v. *Where the accusations have been made only with the object of injuring or humiliating the accused by arresting him or her ;*
- vi. *Impact of grant of anticipatory bail particularly in cases of large magnitude affecting a very large number of people ;*
- vii. *The courts must evaluate the entire available material against the accused very carefully. The court must also clearly comprehend the exact role of the accused in the case. The cases in which accused is implicated with the help of sections 34 and 149 of the Indian Penal Code, the court should consider with even greater care and caution because over implication in the cases is a matter of common knowledge and concern ;*
- viii. *While considering the prayer for grant of anticipatory bail, a balance has to be struck between two factors namely, no prejudice should be caused to the free, fair and full – investigation and there should be prevention of harassment, humiliation and unjustified detention of the accused ;*
- ix. *The court should consider reasonable apprehension of tampering of the witnesses or apprehension of threat to the complainant ;*

- x. *Frivolity in prosecution case should always be considered and it is only the element of genuineness that shall have to be considered in the matter of grant of bail and in the event of there being some doubt as to the genuineness of the prosecution, in the normal course of events, the accused is entitled to an order of bail."*

6. Keeping in mind the guidelines given by the Hon'ble Apex Court in the above Judgment, as per the contents of the FIR, the prosecution case is that the applicants on 02.09.2023, allegedly solemnized their marriage at Mahadev Temple, Bhadrara and thereafter got the same registered by producing documents wherein the complainant was falsely shown as a priest who had performed the marriage ceremony. It is alleged that the applicants, in collusion with co-accused, forged the signature of the complainant and prepared a false marriage certificate and related documents, which were subsequently used as genuine for the purpose of registration. It emerges from the record that the prosecution case, being predominantly based on documentary evidence already in possession of the investigating agency. So far as the investigation of documentary aspects is concerned, neither custodial interrogation nor personal presence of the applicants is necessary. There appears to be no reasonable apprehension that the applicants would tamper with the evidence or hamper the investigation. It is being admitted fact that, as per the allegations of the complainant, his own signatures is not being genuine. It is not being the case of

the prosecution that both the signatures of accused persons are not genuine. Admittedly, the signatures of both the accused persons are admitted to be correct and genuine one. In the present situation, presence of accused persons is not required for the purpose of comparison of signature through the FSL. Admittedly, the requirement of comparing the complainant's signature with the disputed one would be one of the material aspect for the purpose of investigation, but for that also personal presence as well as personal interrogation of the accused persons would not be required. Even otherwise, for the co-lateral aspect in relation to the present material facts, if the presence of the accused persons would be required by the IO, then also the same can be justified without personal interrogation. Having regard to the overall facts and circumstances of the case, it is evident that custodial interrogation is not warranted. It is further noted that, except for Section 337, all alleged offences are bailable in nature, and even the said provision is punishable with a maximum sentence of up to seven years. The applicants are young individuals and a newly married couple, having no criminal antecedents and no personal interrogation is required for the material aspect of the investigation. Considering the nature of the dispute, the allegations cannot be termed as heinous so as to deny the discretionary relief. In this circumstance, looking to the overall aspects, this Court is

of the opinion that the present applicants are entitled for anticipatory bail with respect to the present offence. Therefore, following order is passed in larger interest of justice.

**ORDER**

1. The present Criminal Misc. Application No. **283/2026** is hereby **allowed**.
  
2. The applicants are ordered to be released on bail in the event of being arrested pursuant to offence registered at Shahera Police Station vide C.R. No. 11207061260007/2026, on furnishing personal bond of **Rs.25,000/-, (each applicant)** with one surety of like amount on the following conditions :

**CONDITIONS:**

- i. must cooperate with the investigation and make themselves available for interrogation whenever required ;
- ii. Not to leave limits of Gujarat without the prior permission of the concerned Court;
- iii. shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the fact of the case so as to dissuade from disclosing such facts to the court or to any police officer;
- iv. shall not obstruct or hamper the police investigation and not to play mischief with the evidence collected or yet to be collected by the police;

- v. at the time of execution of bond, shall furnish the address to the investigating officer and the Court concerned and shall not change the residence till the final disposal of the case till further orders;
3. The observations made in this bail order is only for deciding the bail, this observation will not be binding to the Ld. Trial Court.
4. Copy of this order to be sent accordingly.

Signed and Pronounced in the open Court today on this 20<sup>th</sup> day of March, 2026.

Date : 20.03.2026

Place : Godhra

(Raja Ranchhodbhai Patel)  
6<sup>th</sup> Additional Sessions Judge,  
Panchmahals at Godhra.  
UIC No. GJ00922