

GJPM010009172026



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IN THE COURT OF 5<sup>th</sup> ADDITIONAL SESSIONS JUDGE,  
PANCHMAHALS AT GODHRA

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CRIMINAL MISC. APPLICATION No.286/26

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

**Applicant :**

Gangaben d/o. Raysing Bhagaji w/o. Patel Bharatsinh  
Age : 77 yrs.  
Resi.: Panchal Faliyu, Sureli, Ta.- Kalol, Dist.- Panchmahals.

V E R S U S

**Opponent :**

The State of Gujarat, Gandhinagar.

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**Appearance :**

Mr. A. A. Ismailwala : Ld. Advocate for the applicant  
Mr. R. S. Thakor : 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 applicant with respect to the offence registered at Godhra Taluka Police Station vide C.R. No.182/2026 for the offence punishable under Sec.336(2)(3), 338, 340(2) of BNS.
  
2. The Ld. Advocate on behalf of the applicant-accused has submitted that since the applicant is apprehending her arrest in present offence so, the present application for anticipatory bail is filed. It is further submitted that the applicant is old aged lady. The applicant and her grandson have approached the complainant for getting the death certificate of applicant's mother and the complainant himself has issued the said certificate. The applicant has not forged or fabricated the alleged certificate and produced the same before the concerned authority. The complaint is lodged after a long period with malafide intention and no any explanation is given for the same. The entire case is based on documentary evidence which have already been obtained by the police so, the applicant's custodial interrogation is not required. The applicant is ready and willing to co-operate with the investigation. The applicant is not likely to be absconded and will obey the conditions imposed by the Court if she is released on bail. Therefore, the ld. advocate has prayed to grant the present

application. The applicant side has produced the revenue documents in support of their contentions.

3. On behalf of the opponent - State, ld. PP Mr. R. S. Thakor has remained present, as well as, the IO has submitted objection on affidavit at Exh.9. The ld. PP has argued that the accused has forged death certificate of his mother and used it as genuine and produced the same before the Collector, Panchmahals in RTS Revision Application No.151/2023. The investigation is going on and the custodial interrogation of the accused is required. He has further argued that the accused has not co-operated the IO for investigation. Therefore, the ld. PP has prayed to reject the application looking to the seriousness of the offence.
4. The witness of this offence namely Shahed Jafar Mustak Bhatuk has appeared before this Court through his advocate and vehemently resisted this application by submitting written objection vide Exh.7.
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, if the facts of the present case are perused, then it is the case of the prosecution that the accused has forged death certificate of his mother and used it as genuine and produced the same in the revenue

proceedings before the Collector, Panchmahals. It is argued by the prosecution side that the present accused was consciously aware of the forged document even though she has used the same in the revenue proceedings. It is contended by the applicant side that the applicant and her grandson have approached the concerned Talati for getting the death certificate of applicant's mother and the said Talati has issued the alleged certificate and the applicant has not forged or fabricated the alleged certificate. However, it is required to note that the said Talati himself has lodged the present complaint stating that he has not issued or signed the said document. The applicant side has produced the relevant revenue documents in support of their contention. However, there is prima facie case against the present applicant-accused which has been fully supported by primary evidence collected by the prosecution which cannot be ignored. The investigation is pending and it is at crucial stage. So far as the contentions raised by the applicant side, the same are required to be investigated and the custodial interrogation of the present applicant-accused is required for the same. The present applicant-accused is the main link to all the clues of the remaining part of investigation. If the applicant is released on anticipatory bail, she will not cooperate with the investigation and hamper the investigation, as well as, all the remaining part of investigation is likely to be prejudiced a lot. The judicious

discretion u/s.482 of BNSS can be used in exceptional cases, however, this is not an exceptional case. Therefore, this Court doesn't think it appropriate to use the judicious discretion in favour of the applicant. Therefore, following order is passed in the larger interest of justice.

**ORDER**

The present application is hereby **rejected**.

Signed and Pronounced in the open Court today on this 6<sup>th</sup> day of April, 2026.

Date : 06-04-2026

Place : Godhra

(Vaibhav Vasant Mondhe)  
5<sup>th</sup> Additional Sessions Judge,  
Panchmahals at Godhra.  
Code No. GJ00852