

Received on :25.02.2026

Registered on :25.02.2026

Decided on :10.03.2026

Duration :

**IN THE COURT OF THE ADDITIONAL SESSIONS JUDGE
AT LIMBDI, DIST. SURENDRANAGAR**

Criminal Misc. Application No.59 of 2026

Exh.

1. Khodabhai Raghavbhai Makwana
Aged about 63 years,
Occupation: Retired,
Residing at: Mariyampura,
Deep Prakash Society,
Press Road, Village Taluka- Khambhat,
Dist. Anand.
2. Anilbhai Khodabhai Makwana
Aged about 38 years,
Occupation: Service,
Residing at: Mariyampura,
Deep Prakash Society,
Press Road, Village Taluka- Khambhat,
Dist. Anand.
3. Madhuben Khodabhai Makwana
Aged about 58 years,
Occupation: Housewife,
Residing at: Mariyampura,
Deep Prakash Society,
Press Road, Village Taluka- Khambhat,
Dist. Anand.
4. Prafulbhai Khodabhai Makwana
Aged about 38 years,
Occupation: Service,
Residing at: Mariyampura,
Deep Prakash Society,
Press Road, Village Taluka- Khambhat,

- Dist. Anand.
5. Komalben Prafulbhai Makwana
Aged about 36 years,
Occupation: Housewife,
Residing at: Mariyampura,
Deep Prakash Society,
Press Road, Village Taluka- Khambhat,
Dist. Anand.
6. Bailalbhai
Aged about 36 years,
Occupation: Service,
Residing at: Mariyampura,
Deep Prakash Society,
Press Road, Village Taluka- Khambhat,
Dist. Anand.Applicants

Versus

The State of GujaratOpponent

Learned Advocate Mr.D.B. Goswami for the applicants.
Learned APP Mr.Y.J. Yagnik for the opponent – State.

Application under Section 482 of B.N.S.S. Act

JUDGMENT

- 1) The present application is preferred by the applicants-accused under Section 482 of B.N.S.S. Act seeking anticipatory bail as they have apprehension that they may be arrested in connection with the Limbdi Police Station C.R. No.11211031260059/2026 for the offense punishable under Sections 351(1), 85, 54, 89 of B.N.S. read with Section 4 of Dowry Prohibition Act.

- 2) Opponent – State duly served with the notice and, Learned APP Mr. Y.J. Yagnik appeared on behalf of the State, Mr.A.R. Patel, PI, Limbdi Police Station, Dist. Surendranagar has filed affidavit against present bail application.
- 3) Heard the Ld. Advocate for the applicants and Learned APP for the state at length. I have gone through the documents produced with this application and argument canvassed by the Ld. Advocate for the applicants and the affidavit filed by the IO.
- 4) Ld. Advocate for the applicants has submitted that the offence being C.R. No.11211031260059/2026 for the offense punishable under Sections 351(1), 85, 54, 89 of B.N.S. read with Section 4 of Dowry Prohibition Act came to be registered against the present applicants accused. The applicants have not committed the alleged offence. The applicants are innocent and they are wrongly involved in the said offence. There is no any direct or indirect evidence against the said applicants. The applicants are permanent resident as mentioned in cause title and there is no possibility that they may flee away from

justice and they will give full cooperation to the Investigation Officer and there is no prima-facie case is made out against the present applicants accused and they have apprehension that they may be arrested in the above offence and therefore, filed the present anticipatory bail application before this Hon'ble Court. Therefore, it is submitted that present application may be allowed in the interest of justice.

- 5) Ld. APP for the prosecution objected the present bail application and stated that applicants accused have played a vital role in the said offence and the applicants accused have committed the crime in collusion with other co-accused persons and therefore considering the nature and gravity of the offence which affect the society at large if bail application will be granted to the applicants- accused then they may indulge himself in similar kind of illegal activities in future and wrong message will be conveyed to the society at large and therefore, considering the nature and gravity of the offence this is not a fit case to enlarge the accused on bail and hence, they prayed before the court that the bail application of the present applicants may be rejected.

6) I have carefully gone through the facts of the application, FIR, affidavit of IO and the police papers available on record. The offence being C.R. No.11211031260059/2026 for the offense punishable under Sections 351(1), 85, 54, 89 of B.N.S. read with Section 4 of Dowry Prohibition Act came to be registered against the present applicants accused. Looking to the allegations leveled in the complaint, the serious allegations are alleged for the abortion of the two and half months foetus. Therefore, grant of anticipatory bail to the present applicants accused is not in the interest of justice and the investigation is still in progress and granting of bail at this juncture may affect the fair investigation. Considering all the facts and circumstance of the present case, the nature and gravity of the offence and the role played by the present applicants-accused as well as considering the larger interest of the society, this Court is of the view that, this is not a fit case for granting anticipatory bail to the present applicants-accused. Hence, in the interest of justice, following order is passed:-

ORDER

The present bail application of applicants/accused **of C.R. No.11211031260059/2026 for the offense punishable under Sections 351(1), 85, 54, 89 of B.N.S. read with Section 4 of Dowry Prohibition Act**, came to be registered before **Limbd Police Station** is hereby **Rejected**.

Signed and pronounced in the open Court on this 10th day of March, 2026.

Date:10/03/2026

Place:Limbd

(P.T. Patel)
Additional Sessions Judge,
Limbd, Dist. Surendranagar
Code No.GJ00528