

Reserved On : 11/03/2026**Pronounced On : 13/03/2026****IN THE HIGH COURT OF GUJARAT AT AHMEDABAD****R/CRIMINAL MISC.APPLICATION (FOR REGULAR BAIL - BEFORE
CHARGESHEET) NO. 2862 of 2026****FOR APPROVAL AND SIGNATURE:****HONOURABLE MR.JUSTICE UTKARSH THAKORBHAI DESAI**

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Approved for Reporting	Yes	No

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BHUPENDRABHAI SHANTILAL SHAH
Versus
STATE OF GUJARAT

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Appearance:

MR JAL UNWALA, SENIOR COUNSEL WITH MR PRAVIN

GONDALIYA(1974) for the Applicant(s) No. 1

MR ND NANAVATY, SENIOR COUNSEL WITH MR.HEMANG H

PARIKH(2628) for the Respondent(s) No. 1

MS JIRGA JHAVERI, ADDL PUBLIC PROSECUTOR for the Respondent(s)

No. 1

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**CORAM:HONOURABLE MR.JUSTICE UTKARSH THAKORBHAI
DESAI**

CAV ORDER

1. The applicant, who is arrested in connection with

the offence registered vide C.R. No. 11196004260029 of 2026 with Gotri Rural Police Station, Vadodara for the offence punishable under Sections 420, 465, 467, 468, 471, 474, 506 and 120B of the IPC has preferred the present application under section 483 of the BNSS, 2023 praying for regular bail. The investigation is underway and charge-sheet is yet to be filed.

2. The applicant by way of his application has submitted that, he is innocent and has been falsely implicated in the offence. The complaint has been filed after about 13 years wherein, civil litigations are already pending. It is mentioned that, the complaint has been filed with a view to harass the applicant and to create undue pressure in the civil litigation. It is also mentioned in the petition that, the applicant and accused no. 2 have already filed a civil suit before the learned Civil Court, Vadodara bearing Civil Suit No. 410 of 2013, against the original complainant and his brother, praying for specific performance of contract and declaration, with regard to

the land in question, in view of agreement to sell which was executed by the original complainant.

2.1 It is also mentioned in the petition that, the original complainant had backed out from the deal which was entered into with the applicant and accused no. 2, and had also made an agreement to sell with one Rameshbhai Patel in the year 2014, pursuant to which, the applicant had lodged an FIR with Gorwa police station under Sections 406, 420 and 114 of IPC. The applicant has further mentioned that, the civil court had given him interim protection by directing the original complainant to maintain status quo of the disputed property.

2.2 It is further stated in the petition that, the disputed document was sent to FSL in the year 2024 for which, the opinion from the FSL was received wherein, it was mentioned that, no definite opinion could be expressed on the red encircled disputed signature. Thereafter, the original complainant had once again preferred an application to resend the disputed document along with

his specimen signatures to the FSL, which was allowed by the civil court at Vadodara.

2.3 The applicant had challenged the said order of the Civil Court before the High Court by way of Special Civil Application No. 8166 of 2024, which came to be disposed of by order dated 18.06.2025 upon a broad consensus arrived at between the parties and with certain directions, the said document was ordered to be resent to the FSL. It was also observed by the High Court in its order that, the FSL report from Gandhinagar shall not be treated as final, and the parties were entitled to raise all contentions available to them, in accordance with law. The applicant has also stated that, pursuant to the order of the High Court, the disputed document having been sent to the FSL, the report was received wherein, it was opined that, the disputed signature was not written by the writer of the standard signatures.

2.4 It is mentioned by the applicant in his application that, the original complainant had suppressed material

aspects in the FIR and the entire case of the prosecution is based on documentary evidence. The disputed document is already submitted before the learned civil court at Vadodara. The applicant was submitted to custodial interrogation for five days, therefore the same is completed qua the applicant, and now, only the charge-sheet remains to be filed before the court. The applicant has also stated that, no more recovery or discovery was to be effected from him. Hence, considering all these facts the applicant has prayed to allow his application and grant him regular bail subject to necessary conditions.

3. Heard learned Senior Counsel Mr. Jal Unwala assisted by learned advocate Mr. Pravin Gondalia for the applicant. Mr. Unwala has taken the court through the entire facts, which have come on record. Mr. Unwala has submitted that, the original complainant had given his power-of-attorney to the applicant. An agreement for sale was executed by the original complainant in favour of the applicant and accused no. 2, whereby, the land in

question was agreed to be sold to the applicant and the accused no. 2 for the sale consideration of Rs.3,47,81,400/-. The applicant and the accused no. 2 had paid Rs.11 lakhs towards earnest money to the original complainant. However, thereafter the original complainant having resiled from the terms of the agreement for sale, the applicant had filed Special Civil Application No. 410 of 2013 against the original complainant as well as others, praying for specific performance of contract and declaration. Mr. Unwala had drawn the attention of the court towards the order passed by the learned 5th Additional Senior Civil Judge, Vadodara below application injunction Ex. 5 in the said suit on 13.01.2014 whereby, the injunction application was partly allowed, and the defendants in the said suit i.e. the original complainant and others were prevented from selling, transferring, assigning, alienating etc. the suit property in favour of anyone.

3.1 Mr. Unwala has further submitted that, the said

order below injunction application was challenged before the High Court by way of Appeal From Order No. 76 of 2014, with incidental civil applications. The High Court by virtue of its order dated 22.06.2015 had disposed of the Appeal from Order with certain directions whereby, the applicant and accused no. 2 were directed to deposit a sum of Rs. 3 crores before the Civil Court, which the applicant and the accused no. 2 have already deposited, pursuant to the said order. Mr. Unwala has also drawn the attention of the court towards the two FSL reports dated 12.03.2024 and 29.08.2025 wherein, in the first FSL report, the Assistant Examiner of Questioned Documents had stated that, no definite opinion could be expressed on the disputed signature marked as D, which was written on the agreement for sale in comparison with the natural signatures marked as N1 to N16, which were documents pertaining to affidavits, sale deed, registration receipts etc.

3.2 According to Mr. Unwala, the applicant had

consented for sending the agreement for sale once again to the FSL and the said fact can be gathered from the order passed by the High Court in Special Civil Application No. 8166 of 2024. The report was received wherein, it was opined by Deputy Chief State Examiner of Questioned Documents that, the red encircled disputed signature marked D in the agreement for sale was not written by the writer of standard signatures as S1 to S108 and N1 to 15 i.e. the signatures of the original complainant.

3.3 Mr. Unwala has also submitted that, initially a complaint was filed by the original complainant, however, the police had closed the said complaint by observing that, the original complainant had executed the agreement for sale, however, no false or forged signatures were done in the said document. According to Mr. Unwala, the original complainant had not challenged the closure report of said complaint. Mr. Unwala has questioned the authenticity of the second report of FSL

Gandhinagar submitting that, the same authority had given two diametrically opposite opinions. Mr. Unwala has also stated that, the FSL had not expressed any opinion about the applicant's handwriting having matched with the disputed signature since, the applicant's handwriting were never taken.

3.4 Mr. Unwala has also tried to impress upon the court that, the opinions of the FSL were merely suggestive and not conclusive, more particularly, when the same authority had given diverge opinions on the same set of facts. Mr. Unwala has also questioned the bonafides of the Gotri Rural Police Station submitting that, the period of offence in the FIR is stated to be between September 2011 till 20.01.2026, and the FIR having been registered on 20.01.2026 at 00.15 am. Mr. Unwala has raised concern by submitting as to what was the desperation for the police to have registered the FIR at midnight, and thereafter, having arrested the applicant during the wee hours on the same day.

3.5 Mr. Unwala has ultimately submitted that, the investigation is virtually over, the agreement for sale has already been recovered, rather, it is lying in the custody of the civil court at Vadodara. There are two different FSL reports on record. The purpose of keeping the applicant behind the bars would be that, he would not tamper with the investigation and the same would proceed smoothly. The bonafides of the applicant as regards he having deposited Rs. 3 crores before the civil court at Vadodara pursuant to the order of the High Court, and he having consented for sending the disputed document to the FSL for the second time speaks volumes about his intention. Mr. Unwala has fairly submitted that, though there are 8 antecedents against the applicant, only 2 should matter wherein, the criminal cases are pending and the applicant has been granted bail in both the cases. Hence, considering all these aspects, and more particularly, the dispute essentially being of civil in nature which has been given colour of

criminal act, the present application be allowed and the applicant be released on regular bail subject to conditions.

4. Heard learned Senior Counsel Mr. N.D. Nanavaty assisted by learned advocate Mr. Hemang H. Parikh for the original complainant. Mr. Nanavaty, at the outset, has submitted that, the offence pertains to forgery of valuable security, hence, this court should wait till the charge-sheet is filed, before granting relief to the applicant. Mr. Nanavaty has further stated that, the suit which has been filed by the applicant before the Civil Court, Vadodara is on the strength of a forged document and till the civil court comes to the final conclusion as regards its authenticity, as of now, it has to be considered that the said document is a forged one. Mr. Nanavaty has also submitted that, the specimen signatures of the original complainant were not sent with the disputed documents in the first instance to the FSL, hence, the said report was not conclusive.

4.1 Mr. Nanavaty has also submitted that, the original complainant's stand from the beginning is through-out consistent about the agreement to sell being forged. Till date, the accused no. 2 is not arrested. Mr. Nanavaty has also questioned the closure report filed by the police on 26.01.2014 in the complaint which was filed by the original complainant submitting that, the police could not have compared the signatures of the original complainant. Mr. Nanavaty has also submitted that, since the original complainant had executed a genuine agreement for sale in favour of one Rameshbhai Babubhai, he too is named in the FIR lodged by the applicant, and has been mentioned as defendant no. 5 in the civil suit. Thus, considering all these aspects, Mr. Nanavaty has urged the court to not exercise discretion in favour of the applicant.

5. Heard learned APP Ms. Jirga Jhaveri for the respondent, who has adopted the submissions of learned

Senior Counsel Mr. Nanavaty. She has further submitted that, the applicant has antecedents and there is prima facie case against him. Ms. Jhaveri has drawn the attention of the court towards the statements of witnesses Rameshbhai Babubhai Patel and Vijaybhai Dahyabhai Panchal. According to Ms. Jhaveri, the second FSL report was based upon the specimen signatures and the original passport of the original complainant having been sent to the FSL, hence, the same has to be accepted as true. The investigation is yet not completed. Hence, this application should be rejected.

6. Considering the rival submissions of all the learned advocates, the following facts have emerged, which are undisputed:

- The FIR in question having been filed on 20.01.2026 at 00.15 am, mentioning the period of offence from September 2011 to 20.01.2026;
- The column no. 8 of the FIR not mentioning the reason for delay in registration of the FIR;

- The original complainant not having challenged the closure report of the police inspector of Gorwa Police Station dated 26.01.2014, before the appropriate forum.
- The first FSL report dated 12.03.2024 wherein, the Assistant Examiner of Questioned Documents, DFS Gandhing having opined that “no definite opinion could be expressed on the red encircled disputed signatures marked ‘D’ in comparison to natural signatures marked N1 to N16.”
- The second FSL report dated 29.08.2025 wherein, the Deputy Chief State Examiner of Questioned Documents, DFS, Gandhinagar having opined that “the red encircled disputed signature marked ‘D’ was not written by the writer of the standard signatures marked S1 to S108 and N1to N15.”
- In the second opinion, the Examiner of Questioned Documents had not considered the natural signature which appeared on the passport of the original complainant, which was marked as ‘N’, and it was

only on the basis of the specimen signatures marked as S1 to S108 along with natural signatures from N1 to N15, the opinion was rendered.

- The applicant having filed Special Civil Suit against the original complainant and others, before the Civil Court at Vadodara bearing Special Civil Suit No. 410 of 2013, wherein, the civil court had prevented the defendants i.e. the original complainant and others from alienating the land in question in any manner.
- Pursuant to the order of the High court in Appeal From Order No. 76 of 2014 and allied matters, the plaintiffs i.e. the present applicant and the accused no. 2 after having been directed to deposit a sum of Rs. 3 crores towards the sale price of the land in question, had deposited the said amount before the Civil Court at Vadodara.
- The applicant having consented to send the disputed document i.e. the agreement to sell to the FSL for the second time, and the High Court in its order in Special Civil Application No. 8166 of 2024 preferred

by the present applicant having clearly observed that, the report of FSL, Gandhinagar would not bind any of the parties to the suit, and all rights and contentions of the respective parties were kept open to be raised once the report of FSL Gandhinagar was received by the trial court.

- The High Court had further observed that, the report of the FSL Gandhinagar was required to be proved on record in accordance with law, and thereafter would be adjudicated by the trial court in accordance with law.
- Both the FSL reports were given by the same person i.e. Mr. A.R. Akbari, the Deputy Chief State Examiner of Questioned Documents and the only addition to the documents, which were sent to him in connection with the second report, were the specimen signatures of the applicant.
- Though the second report from the FSL was dated 29.08.2025, the FIR in question came to be registered after almost five months.

- The FSL reports merely being suggestive while rendering opinion.
- The agreement to sell in question being in the custody of the Civil Court at Vadodara in Special Civil Suit No. 410 of 2013.
- The applicant already having been submitted for custodial interrogation for five days, after being arrested on 20.01.2026.
- The entire case being based on the disputed document i.e. the agreement to sell.
- The statement of Mr. Vijaybhai Dahyabhai Panchal the advocate and notary public, who had notarized the disputed agreement to sell, in his statement before the investigation officer having submitted that, he did not remember whether the signatories to the said document had come to him personally to sign the document.

7. Thus, considering all the aforesaid aspects and more particularly, the present FIR having been filed after

almost fifteen years wherein, no reasons have been assigned for the delay, the fact that the disputed document being already in the custody of the Civil Court at Vadodara, the applicant herein already having been remanded to police custody for five days, the fact that the applicant is having criminal antecedents, and more particularly, as submitted by learned Senior Counsel Mr Unwala that, out of the eight antecedents only two mattered, and also considering the fact that the second report of the FSL would have to be conclusively proved and/or disproved by either of the parties in the civil suit, which is pending before the civil court at Vadodara, this court is of the opinion that discretion can be exercised in favour of the applicant. Accordingly, the following final order is passed:

8. The applicant is ordered to be released on bail in connection with F.I.R. registered as C.R. No. 11196004260029 of 2026 with Gotri Rural Police Station, Vadodara, on executing a bail bond of Rs.50,000/-

(Rupees Fifty Thousand only) with one surety of the like amount to the satisfaction of the trial Court and subject to the conditions that he shall;

[a] not take undue advantage of liberty or misuse liberty;

[b] not act in a manner injurious to the interest of the prosecution;

[c] surrender his passport, if any, to the trial court within a week, and if he does not possess a passport, he shall file an affidavit to that effect;

[d] not leave the State of Gujarat without prior permission of the Trial Court concerned;

[e] furnish the present address of his residence to the I.O. and to the Court at the time of execution of the bond and shall not change his residence without prior intimation to the I.O. and the court;

[f] mark his presence on every Monday before the concerned police station for six months;

[g] not indulge in similar kind of offence hereinafter, for which, he shall file affidavits before the concerned court and the police station.

9. The Authorities will release the applicant only if he is not required in connection with any other offence for the time being. If breach of any of the above conditions is committed, the Sessions Court concerned will be at liberty to take appropriate action in accordance with law.

10. Bail bond to be executed before the trial court having jurisdiction to try the case. It will be open for the concerned Court to delete, modify and/or relax any of the above conditions in accordance with law.

11. At the stage of trial, the competent court shall not be influenced by any observations of this Court which are of preliminary nature, made at this stage only for the purpose of enlarging the applicant on regular bail. The

application is allowed in the aforesaid terms. Rule is made absolute to the aforesaid extent. Direct service is permitted.

(UTKARSH THAKORBHAI DESAI, J)

DIVYA

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: DIVYA NAIR(HC00199), PRINCIPAL PRIVATE SECRETARY, at High Court of Gujarat on 13/03/2026 14:01:39