

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CRIMINAL MISC.APPLICATION (FOR ANTICIPATORY BAIL) NO. 6740
of 2026**

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PATHAN UVESHKHAN IQBALKHAN
Versus
STATE OF GUJARAT

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Appearance:

MS. DEVAL I. MODI(19346) for the Applicant(s) No. 1
MR ABID R PATHAN(11217) for the Respondent(s) No. 1
MS. SHRUTI PATHAK, APP for the Respondent(s) No. 1

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CORAM:HONOURABLE MR.JUSTICE SANJEEV J.THAKER**Date : 04/05/2026****ORAL ORDER**

RULE. Learned APP waives service of notice of Rule for and on behalf of the respondent – State.

1. By way of the present application under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short “BNSS”), the applicant – accused has prayed to release him on anticipatory bail in the event of his arrest in connection with the FIR being C.R. No. 11191012210369/2021 registered with Danilimda Police Station, Ahmedabad City for the offences punishable under Sections 406, 420, 447, 465, 467, 468, 471, 120(B) of the IPC.

2. The learned advocate for the applicant has mainly argued that the applicant is an innocent person and, from the plain reading of the FIR of the complainant, it appears that the complainant has allegedly purchased the land in question in the year 2005. As per her say, she had visited her land in the year of

2019 i.e., after 14 years. The parties having filed a civil suit against each other, the present dispute is also of civil in nature, and the possession of the property is with the applicant. Earlier, a complaint was filed at Danilimda Police Station in the year 2019, wherein the investigation was carried out and the statement of the applicant was recorded, and finally, police disposed of the application finding no criminal offence.

2.1. The learned advocate for the applicant has stated that the applicant has purchased the land in question by following proper procedure, and a sale deed was also executed. The applicant had subsequently purchased the said plots, and in the earlier transactions, the applicant was not a party. The applicant has not created any bogus documents or forged any signatures, therefore, the applicant should be granted anticipatory bail.

3. Per contra, the Learned APP has argued that there are ten past antecedents against the present applicant, and therefore on that ground alone, the present application is required to be rejected. Moreover, during the investigation, it has been found that the present applicant is not the owner of the property and has forged a fraudulent, notarized sale agreement stating it was executed by one **Lallubhai**. The applicant has illegally occupied the premises, and the custodial interrogation is necessary to investigate the forged sale agreement. There are ten antecedents against the applicant which are as follows;

No.	Police Station	Register Number	Legal Provisions / Sections
1	Danilimda	Crime Register No. 3087/2019	IPC Sections 323, 506(1), 294(B), 114
2	Danilimda	Part B 11197012201036/20 20	G.P. Act Section 142
3	Danilimda	Part B 11197012201412/20 20	G.P. Act Section 142
4	Danilimda	Part B 11197012201413/20 20	IPC Section 188, Disaster Management Act Section 51(B)
5	Danilimda	Part A 11197012210369/20 21	IPC Sections 406, 420, 447, 465, 467, 468, 471, 120(B)
6	Danilimda	Chapter Case No. 1155/2024	B.N.S.S. Section 126
7	Danilimda	Crime Register No. 106/2019	IPC Sections 323, 380, 387, 427, 452, 506(2), 294(B), 114, G.P. Act Section 135(1)
8	Danilimda	Part B 11197012200102/20 20	IPC Sections 506(2), 294(B)
9	Danilimda	Part A 11197012210675/20 21	Gujarat Land Grabbing (Prohibition) Act Sections 4(3), 5(A), 5(C), 5(D), 5(E)
10	Danilimda	Chapter Case No. 657/2020	Cr.P.C. Section 107

Therefore the application is required to be rejected.

4. Heard learned advocates for the respective parties, this Court has considered the rival submissions made by learned counsel for both the sides and considered the material placed on

record. It is well settled that, among other circumstances, the factors to be borne in mind while considering an application for bail are (i) whether there is any prima facie or reasonable ground to believe that the accused had committed the offence; (ii) nature and gravity of the accusation; (iii) severity of the punishment in the event of conviction; (iv) danger of the accused absconding or fleeing, if released on bail; (v) character, behaviour, means, position and standing of the accused. Though at the stage of granting bail execution and appreciation of evidence is not permissible. Having gone through the complaint, *prima facie*, it appears that the present applicant is involved in the offence.

5. Having heard the learned advocate for the applicant and having considered the facts of the investigation *prima facie* it appears that the present applicant has fraudulently executed a sale agreement with respect to the property, of which he himself was not the owner. A general power of attorney and a sale agreement with possession have been handed over to a party who is not the owner of the property. Accordingly, this Court finds no basis to conclude that no *prima facie* case exists against the petitioner or that his arrest would be unwarranted.

5.1. The Apex Court in the case of ***Sharad Singhal Vs. State of Uttar Pradesh and Anr. at "Paragraph-6"*** are held as under;

"The criminal antecedents of the Respondent no. 2 by itself were sufficient for the High Court to deny anticipatory bail."

6. In the case of **Siddharam Satlingappa Mhetre vs State Of Maharashtra**, reported in **(2011) 1 SCC 694**, the Hon'ble Court held that life and personal liberty are the most prized possessions of an individual but not at the cost of larger interest of society and public. This is not a case, wherein accused is falsely enraged in the offence with a view to tarnish his image. Considering the fact that the custodial interrogation is required. The Hon'ble Apex Court in the case of **Jai Prakash Singh Vs State of Bihar & Anr.** reported in **2012 4 SCC 379**, has been pleased to hold as under:-

"Parameters for grant of anticipatory bail in a serious offences are required to be satisfied and further while granting such relief, the court must record the reasons therefore. Anticipatory bail can be granted only in exceptional circumstances where the Court is prima facie of the view that the applicant has falsely been enraged in the crime and would not misuse his liberty."

7. It would be apposite to refer the decision of the Apex Court rendered in case of **State of M.P. and another v. Ram Kishna Balothia and another** reported in **AIR 1995 SC 1198**.

8. It would be apposite to refer the judgment of the Hon'ble Apex Court rendered in case of **Pratibha Manchanda vs. State of Haryana** reported in **AIR 2023 SC 3307**, wherein the Hon'ble Apex Court has observed thus:-

"19. The relief of Anticipatory Bail is aimed at safeguarding individual rights. While it serves as a crucial tool to prevent the misuse of the power of arrest and protects innocent individuals from harassment, it also presents challenges in maintaining a delicate balance between individual rights and the interests of justice. The tight rope we must walk lies in striking a balance between safeguarding individual rights and protecting public interest. While the right to liberty and presumption of innocence are vital, the court must also consider the gravity of the offence, the impact on society, and the need for a fair and free investigation. The court's discretion in weighing these interests in the facts and circumstances of each individual case becomes crucial to ensure a just outcome."

9. For the foregoing reasons and considering the law laid down in the above cited decisions of this Court as well as the Hon'ble Apex Court, this Court is of view that it is not a fit case to exercise the discretion under Section 438 of the Code/482 of BNSS in favour of the applicant. Accordingly, present application does not deserve any consideration and is hereby **dismissed**. Rule is discharged.

10. It is made clear that the observations made in the present order are tentative in nature.

ADITYA SINGH

(SANJEEV J.THAKER,J)