

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CRIMINAL MISC.APPLICATION (FOR ANTICIPATORY BAIL) NO. 6735
of 2026**

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MADHUBEN MANJIBHAI CHAUHAN & ORS.
Versus
STATE OF GUJARAT

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Appearance:

MR. DHARMESH A GOSAI(19005) for the Applicant(s) No. 1,2,3,4
YUVRAJ BRAHMBHATT APP for the Respondent(s) No. 1

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CORAM:HONOURABLE MR.JUSTICE P. M. RAVAL**Date : 24/03/2026****ORAL ORDER**

1. Learned Advocate Mr. SP Kotia has instructions to appear on behalf of original Complainant and he shall file his Vakalatnama in due course. Registry to accept the same.

2. The present Application is filed by the Applicants for anticipatory bail in connection with the offence registered at Bortalav Police Station, Bhavnagar vide CR No. 11198015252169/2025 on 10.12.2025 under the provisions of Section 3 and 4(3) of the Gujarat Land Grabbing (Prohibition) Act, 2020.

2.1 It is the case of the prosecution that from the date of the incident from 09.12.2024 to 10.12.2025, the applicants had encroached the plot belonging to the Complainant at Village Chitra, Behind Tapovan Circle, Bhavnagar, and pursuant to which the FIR came to be lodged against eight accused, including the present Applicants, on 10.12.2025.

2.2 It is the case of the Applicants that despite the fact that a purshis was placed on record before the Ld. Sessions Judge in Criminal Misc. Application No. 208/2026 inter alia contending that the Applicants had left the plot and they are no more in possession of the said land, the Ld. Sessions Judge, on surmise and assumption, has rejected the anticipatory bail application of the Applicants.

3. Learned Advocate for the Applicants would further submit that out of eight accused, four persons have been enlarged on regular bail today by the Co-ordinate Bench, where they have also given an undertaking not to enter the property of the complainant, as stated in the FIR.

4. Learned APP Yuvraj Brahmhatt submits that the charge sheet has been filed qua four accused who have been granted regular bail; however, the present Applicants are shown as absconders, thus, this Court cannot exercise discretionary power in favour of the Applicants.

5. Learned Advocate for the Original Complainant, Mr. S.P. Kotia, would submit that he has no objection if anticipatory bail is granted to the applicants as they have already vacated the premises.

6. Heard learned Advocates for the parties. It transpires that the present Applicants have already vacated the premises. As per the purshish preferred by the Original Complainant before the Sessions Court, however, without considering the said

purshish in its true perspective, the application for anticipatory bail came to be rejected by the Sessions Court. Be that as it may, the fact remains that the very purpose of lodging the FIR has reached its logical conclusion since the applicants have already vacated the premises. Under such circumstances, no ground for custodial interrogation now survives, coupled with the fact that the applicants have no past criminal antecedents.

7. Considering the aforesaid aspects and the law laid down by the Hon'ble Apex Court in the case of Siddharam Satlingappa Mhetre v. State of Maharashtra and Others, reported in (2011) 1 SCC 6941, wherein the Hon'ble Apex Court reiterated the law laid down by the Constitution Bench in the case of Shri Gurubaksh Singh Sibbia & Others, reported in (1980) 2 SCC 665 and also the decision in the case of Sushila Aggarwal v. State (NCT of Delhi), reported in (2020) 5 SCC 1, the Court is inclined to allow the present application. In view of the above, captioned application for Anticipatory bail is granted.

8. In the result, this application is allowed by directing that in the event of arrest/ appearance of the applicants in connection with the above-referred FIR, the applicants shall be released on bail on furnishing a personal bond of Rs.10,000/- (Rupees Ten Thousand) with one surety of like amount on the following conditions that applicant:

(a) shall cooperate with the investigation and make available for interrogation whenever required;

(b) 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 him from disclosing such facts to the court or to any police officer;

(c) 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;

(d) The Investigating Officer shall ensure that no unnecessary harassment or inconvenience is caused to the applicant;

(e) shall at the time of execution of bond, furnish the address to the investigating officer and the court concerned and shall not change residence till the final disposal of the case till further orders;

(f) shall not leave India without the permission of the Court and if having passport shall deposit the same before the trial Court within a week;

(g) It is open to the police or the investigating agency to move the learned trial Court for a direction under Section 483(2) of the BNSS to arrest the accused, in the event of violation of any term, such as absconding, non-cooperating during investigation, evasion, intimidation or inducement to witnesses with a view to influence outcome of the investigation or trial, etc.

8.1 At the trial, the Trial Court shall not be influenced by the prima facie observations made by this Court while considering the bail application.

9. It is made clear that this order of anticipatory bail does not in any manner limit or restrict the rights or duties of the police or investigative agency to investigate into the charges against the applicants who are granted pre-arrest bail.

10. Rule is made absolute to the aforesaid extent. Direct service is permitted.

(P. M. RAVAL, J)

MMP