

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CRIMINAL MISC.APPLICATION (FOR ANTICIPATORY BAIL) NO. 7303
of 2026**

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PAYAL PUSHKAR SINGH
Versus
STATE OF GUJARAT

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Appearance:
MR ASHISH M DAGLI(2203) for the Applicant(s) No. 1
MR ROHAN RAVAL, APP for the Respondent(s) No. 1

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CORAM:HONOURABLE MR.JUSTICE P. M. RAVAL**Date : 30/03/2026****ORAL ORDER**

1. **Rule.** Learned Additional Public Prosecutor waives service of notice of rule for respondent - State of Gujarat.
2. By way of this application under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (*for short, "BNSS"*), the applicant has prayed for anticipatory bail in the event of arrest in connection with the FIR being C.R. No.I-11993006251552 of 2025 registered with Gandhidham A Division Police Station, Kachch East, Gandhidham, for the offences alleged therein.
3. Mr. Ashish Dagli, learned advocate for the applicant would submit that the applicant is not named in the FIR, and essentially the dispute is between the husband and wife, more particularly, when the wife had applied for loan and the husband has signed as a co-applicant and after matrimonial dispute arose between them,

upon full payment of the loan amount, when the documents were to be released from the bank, it is alleged by the husband-original complainant that he had not signed the power of attorney and pursuant to the investigation, based on the statement of the original accused wife-Rekhaben Kanailyalal Mulchandani, it is alleged that present applicant has allegedly signed the power of attorney and she is apprehending her arrest. It is also submitted that there are no past antecedents against the applicant. He also submits that the proposed purchaser of the property has also been arrested pursuant to the recording of his statement and, therefore, the applicant is also apprehending her arrest. It is submitted that the applicant has only referred the client to the notary and she has not signed the forged power of attorney as she is not going to be benefitted from the said alleged transaction. He also submitted that nature of allegations are such that custodial interrogation at this stage is not necessary. It is further submitted that the applicant will keep herself available during the course of investigation and trial also and will not flee from justice.

3.1 The learned advocate for the applicant further states that the applicant shall abide by all the conditions that may be imposed while granting anticipatory bail to the applicant. Accordingly, it is urged that this application may be allowed and to grant the anticipatory bail to the applicant.

4. As against this, the learned Additional Public Prosecutor appearing on behalf of the respondent - State has opposed grant of

anticipatory bail and submitted that despite the notice being issued to the applicant, she has not cooperated in the investigation. He also submitted that signature of the applicant is also required to be taken to send it to FSL to match with the alleged forged document. Under the circumstances and looking to the nature and gravity of the offence, it is requested not to entertain this application.

5. Having heard the learned advocates appearing for the parties and perusing the papers available on record, it is incumbent upon the Court to exercise its discretion judiciously, cautiously and strictly in compliance with the basic principles laid down in plethora of decisions of the Apex Court on the point. It is well settled that, among other circumstances, the factors to be borne in mind while considering an application for bail are (i) the nature and gravity of the accusation; (ii) the antecedents of the applicant including the fact as to whether he 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; and (iv) where the accusation has been made with the object of injuring or humiliating the applicant by having him so arrested. Though at the stage of granting bail an elaborate examination of evidence and detailed reasons touching the merits of the case, which may prejudice the case of accused, should be avoided. However, following aspects have been taken into consideration:

- a) Involvement of the applicant surfaces on record, in view of the statement of Rekhaben Kanaiyalal Mulchandani, who is main accused and she is granted regular bail vide order dated 26.2.2026 passed in Criminal Misc. Application No.4803 of 2026.
- b) Essentially, the dispute is between the husband and wife with regard to forging of the power of attorney, alleged to have been forged by the wife, who is enlarged on bail.
- c) Prima facie, the original accused-wife seems to have committed the offence, since she was to receive the documents from the bank, after release of mortgage. Thus, the allegations would ultimately translate that the wife had forged the signature of her husband to get the documents.
- d) the applicant has no past antecedents;
- e) the learned advocate for the applicant has assured that the applicant will not flee from justice and would be available during investigation as well as the trial.

6. 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.

7. In the result, this application is allowed by directing that in the event of arrest/ appearance of the applicant in connection with the above-referred FIR, the applicant 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 applicant has assured that she would remain present before the investigation officer on 06.04.2026 between 11.00 a.m. and 2.00 p.m. pursuant to the notice issued to her;

(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.

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

8. 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 applicant who is granted pre-arrest bail.

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

R.S. MALEK

(P. M. RAVAL, J)