

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD****R/CRIMINAL MISC.APPLICATION (FOR ANTICIPATORY BAIL) NO. 9545  
of 2026**

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MITESHKUMAR HARIRAMDAS SADHU  
Versus  
STATE OF GUJARAT

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**Appearance:**

MR. BAKUL S PANCHAL(3676) for the Applicant(s) No. 1  
MS MANSI S PANCHAL(12033) for the Applicant(s) No. 1  
MR. YUVRAJ BRAHMBHATT, APP for the Respondent(s) No. 1

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**CORAM:HONOURABLE MR.JUSTICE SANJEEV J.THAKER****Date : 01/05/2026****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. 11206020260116/2026 registered with Kadi Police Station, Mahesana District for the offences punishable under Sections 316(2), 318(2), 318(4), 319, 336(2), 340, 351(2), 61(2) of the B.N.S. Act.

2. The Learned Advocate for the Applicant has argued that the applicant is an innocent individual, and that applicant has no involvement or knowledge of the alleged offence. It has been argued that the complainant, in the complaint, has mentioned

false facts, and the complaint is filed to blackmail the petitioner in a wrong way. It has also been argued by the learned advocate for the applicant that the allegations in the complaint are stated to have taken place between 22.11.2025 to 01.02.2026, and the complaint was registered on 01.02.2026, and therefore, the complainant has not been able to explain the delay in filing the complaint.

2.1. It has been argued that Accused No. 1 and 2 are husband and wife, and the present petitioner, i.e., Accused No. 2, is doing drafting and typing work and is studying in L.L.B. last semester, and also working as a junior intern. The petitioner is regularly following the rules and has never appeared in the Court of Law.

2.3. It has also been argued that the petitioner herein is also doing revenue drafting, typing work, and work relating to documentation. In view of the fact that the complainant had to recover an amount of Rs.6,00,000/- from one Nilesh Prajapati and Kajal Prajapati, he had approached the petitioner herein to file the application before the police station, and pursuant to the same, the applicant had prepared an application, and police authority had taken statements of the complainant. It has also been argued that though it has been stated in the complaint that an amount of Rs. 3,27,000/- was given to the petitioner and his wife i.e., Accused No. 1 and 2, but the complainant has not been able to prove the same by any banking transaction of payment of

the same amount.

2.4. Further, it has been argued by the applicant that the police authority in their investigation, has added Sections 178, 180, 341, 342 of the B.N.S. for forging stamp, but the fact remains that as the applicant is doing work relating to drafting, and, as a Notary Advocate, is regularly visiting the office of the applicant, the said stamp of the said advocate is found from the applicant's office, and therefore, the applicant be granted anticipatory bail.

3. Per contra, the learned APP has argued that in investigation it has been found that the applicant has fraudulently prepared an identity card issued by the Bar Council of State of Gujarat with an enrollment number G366-F/2019, and in investigation it has also been found that the petitioner is not the member of Bar Association of Bar Council of Gujarat, and that the petitioner is not enrolled as a member in Bar Council of Gujarat, and the said enrollment number also is not assigned to the present applicant.

3.1. The learned APP further states that the applicant does not hold any sanad to practice and by projecting his name as Avinash Rawal, he has duped people the statements of whom have been taken, which clearly state that the present applicant has demonstrated himself as a lawyer. From the investigating papers it has also come on record that, the Investigating Authorities have recovered seal of Kalol Taluka, Police Station,

and seal of notary and registers are also recovered from the address of the present applicant, and 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 learned advocate for the parties and having considered the police papers which have been placed before this Court indicates that the statement of the neighbour where the applicant resides, states that the applicant had also stated in the neighbourhood that he and his wife are practicing advocates before the High Court. The statement of the neighbour, who resided near the office of the applicant also reveals that the applicant has identified himself as the advocate of the Gujarat

High Court, and that one of the victim who was duped by the applicant by identifying himself to be a lawyer, his statement was also taken. From the statement of the owner of the premises wherein, the applicant and his wife are residing, also reveals that the applicant had projected himself to be an advocate. It has also come on record that there are the other victims from whom the applicant had charged amount by identifying himself to be an advocate.

5.1. The investigating papers also reveals that an identity card in the name of the applicant stating the enrollment no. is G366-F/2019 has been recovered from his residence. From the reply of the Bar Council of Gujarat, the present applicant and his wife are not registered as the members before the Bar Council of Gujarat. From the residence the police has also recovered fraudulent seal and stamp of Police Inspector Kalol Taluka, Police Station and also the stamp and seal of a notary by the name of Manoj Thakore and the said Notary has clearly stated that he had not given the seal and stamp of the notary, and he has not handed over the said stamp and seal to the applicant and without his knowledge and fraudulently the said stamp and seal has been made. It is also required to be noted that the wife of the applicant i.e., Falguni Rawal had also applied for anticipatory bail and the said application has been rejected.

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. The allegations pertain to impersonation as a legal

practitioner, striking at the very foundation of the justice delivery system, which is premised on trust, competence, and professional accountability. Moreover, Such conduct, has the potential to erode public confidence in the legal profession and undermine the sanctity of judicial proceedings. The act of falsely assuming the role of an advocate and offering legal services constitutes a grave misuse of a position of trust, thereby aggravating the nature of the alleged offence.

9.1. Having regard to the manner in which the alleged offence has been committed, including the possibility of multiple victims and fabricated credentials, custodial interrogation cannot be ruled out at this stage. There exists a reasonable apprehension that, if enlarged on bail, the applicant may influence witnesses, tamper with evidence, or continue similar deceptive practices. While personal liberty is of paramount importance, it must be balanced against the larger interest of society and the need to preserve the integrity of the legal system.

10. If the present applicant is/are protected with this order, this Court is of the considered view that if the present accused is equipped with protective order, it would obviously affect the case of the prosecution and adversely the qualitative investigation. This is not a fit case, wherein accused is falsely enraged in the offence and it appears that there is no frivolity, with a view to tarnish his image. Considering the fact that the custodial interrogation is required.

11. 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.

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

ADITYA SINGH

**(SANJEEV J.THAKER,J)**