IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/CRIMINAL MISC.APPLICATION (FOR SUCCESSIVE ANTICIPATORY BAIL) NO. 9432 of 2026

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SUMIT SURESHKUMAR RAVAL
Versus
STATE OF GUJARAT

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Appearance:
MR KARTIKKUMAR G BAROT(9453) for the Applicant(s) No. 1
MR RAJENDRA P THAKUR(5712) for the Applicant(s) No. 1
MR ADITYA JADEJA, APP for the Respondent(s) No. 1

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CORAM:**HONOURABLE MR. JUSTICE HASMUKH D. SUTHAR**

Date : 12/06/2026

ORDER

[1.0] RULE returnable forthwith. Learned APP waives service of notice for the respondent-State.

[2.0] By way of the present **successive 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 dated 24.06.2024 being **C.R. No.11191011240135 of 2024** registered with **DCB Police Station, Ahmedabad City District Navsari** for the offences punishable under Sections 420, 465, 467, 468 and 114 of the Indian Penal Code, 1860.

[3.0] The brief facts of the case are that in the year 2021, the present applicant contacted the complainant and called him on the road near his house and said that applicant had good acquaintance in Ahmedabad Municipal Corporation and discussed about the contract for repair and maintenance of the polder pump and its MCC panel. It is further the case that the applicant lured the complainant with the promise of a lot of profit and the complainant having trusted the applicant, paid a total of Rs.1,05,00,000/- through cash and online transfer in return for which the applicant showed to the complainant a copy of false and forged letter regarding the contract of repair and maintenance of the polder pump, its MCC panel and head of the Ahmedabad Municipal Corporation. It is further the case that firstly, the applicant had given a cheque for an amount of Rs.16 Crore in the name of accused No.2 to the complainant drawn on Bank of Baroda which when deposited by the complainant was dishonored and therefore, the complainant informed the applicant about the said dishonor pursuant to which the applicant assured the complainant that he will arrange for money transfer through Aangadia and further gave a cheque of Rs.64 Crore in the name of accused No.2 drawn on Kotak Mahindra Bank Ltd. and thereafter the applicant pressurized the complainant to return the said cheque and when the complainant repeatedly asked for his money towards contract, accused No.3 having told the complainant that he is also partner with the present applicant and thereafter once again gave two cheques drawn on IDBI Bank and again committed criminal breach of trust of the complainant and even thereafter the accused did not return the complainant’s money and in these circumstances the FIR came to be filed.

[4.0] Perusing the record, it appears that earlier the applicant had filed Criminal Misc. Application No.2075/2025 seeking anticipatory bail before the learned Additional City Sessions Judge, Ahmedabad which came to be dismissed on 29.03.2025 and being aggrieved and dissatisfied, the applicant preferred Criminal Misc. Application No.8090/2025 before this Court which was disposed of as withdrawn after having heard at length vide order dated 24.04.2025. After disposal of said application, the applicant was on run. Thereafter, the charge-sheet came to be filed against co-accused and as the applicant's name is mentioned in column No.2 of the charge-sheet, once again the applicant approached the learned City Sessions Judge by way of filing Criminal Misc. Application No.5775/2025 which also came to be dismissed on 22.08.2025 and after almost eight months of the said dismissal, the applicant once again has filed the present **successive application** in the month of April, 2026 seeking anticipatory bail.

[5.0] Heard learned advocate Mr. Rajendra P. Thakur for the applicant and learned APP for the respondent – State of Gujarat.

[5.1] When a specific query was posed to learned advocate for the applicant as to why **successive application** is filed and why third round of litigation is initiated and whether there is any change in circumstances, learned advocate for the applicant has failed to point out any change in circumstance and has merely pointed out one statement dated 22.04.2023 of the complainant recorded by the PSI, Chandkheda Police Station, Ahmedabad City wherein the complainant has stated that one Janva Jog Entry No.52/2023 was filed by the wife of one Sandip Mahendrabhai Raval wherein it was alleged that the present complainant had called the said Sandip Raval and threatened that the complainant will file a case against the said Sandip Raval and his wife and will consume phenyl and thereafter, wife of said Sandip Raval having felt bad had consumed phenyl and sleeping pills and the complainant has stated in the said statement that he had given Rs.2,91,000/- through online transfer for business purposes to the present applicant i.e. brother in law of Sandip Raval and as the applicant was not returning the said amount, the complainant had called said Sandip Raval as the present applicant was not picking up his call. Except this, nothing is revealed from the said statement and that the complainant has never administered any threat either to the applicant or his relative Sandipbhai Raval.

[5.2] Further, if we peruse the complaint, same is filed on 24.06.2024 and admittedly, after one year and two months, alleged janva jog entry was filed. The complaint is filed by one Miteshbhai Lallubhai Patel while statement of one Sandip Chimanlal Barot, friend of the complainant, is recorded on 22.04.2023 wherein he has stated that the complainant has not administered any threat as alleged in the janva jog entry No.52/2023. Even, the complainant’s statement is also recorded on the same line on 22.04.2023. If we peruse the allegations leveled in the complaint, it appears that accused persons have lured the complainant under the pretext of giving maintenance contract of AMC by stating that they are having good relations with the officials of AMC and prepared one forged letter of AMC panel and showed the maintenance contract being awarded to the accused – present applicant and showing the said contract, he had identified himself as Personal Assistant of Mayor, AMC and stated that towards contract amount of Rs.64 Crore, 5% of Rs.64 Crore towards Bank Guarantee i.e. Rs.3.20 Crore is required to be deposited and out of the said amount, 50% i.e. Rs.1.60 Crore was demanded. However, even after the complainant parted with Rs.1.60 Crore, no work contract was awarded and no any further progress *qua* work has been done. The applicant has forged the contract letter and stated that the main contract is awarded to accused No.2 and send the whatsapp screen shot and stated that from the office of Hon’ble Chief Minister, contract is awarded and said evidence is collected and shown one cheque of Rs.16 Crore drawn in favor of accused No.2 but same came to be dishonored. To pay the said amount, he had given assurance that he will make good to make the payment. In sum and substance, to lure the people for getting AMC contract, using the forged letter head, money was extorted. In this regard, complaint is filed with DCB Police Station, Ahmedabad City for the offences punishable under Sections 420, 465, 467, 468 and 114 of the IPC against the present applicant and other two co-accused.

[5.3] After investigation, charge-sheet came to be filed against accused No.3 in connection of forgery of documents of AMC and *qua* preparing the tender and contract of AMC and for receiving an amount of Rs.1.5 Crore towards the said contract, which came to be transferred online in favor of the present applicant and thereafter bogus letter was shown to the complainant by the present applicant (accused No.1) and accused No.2 and given the cheque of Rs.16 Crore to the complainant, which came to be dishonored. Not only that, accused persons have identified or impersonated themselves stating that they all are partners in the said contract and thereby the accused persons have committed the offence. Further, the charge-sheet is filed against accused No.3 on 24.06.2024 almost after a passage of two years from the date of filing of FIR and present applicant (accused No.1) and accused No.2 both are on run.

[6.0] Insofar as maintainability of present **successive application** for anticipatory bail is concerned, it is a matter of record that the charge-sheet has been filed however, it is important to note that at the earlier point of time, anticipatory bail was filed and in the charge-sheet, the applicant is shown as an absconder in column No.2 and investigation *qua* present applicant is still pending. In absence of a completed investigation and without there being change in circumstance, the present applicant cannot claim that no evidence has been collected against him. Even on the grounds that the charge-sheet has been filed, the present application must be considered; this argument is not sustainable.

[6.1] Furthermore, the present application is a **successive application for anticipatory bail**, which should not be entertained, especially when the investigation papers clearly reveal that the applicant is not cooperating with the investigation. Hence, the special reason for a change in circumstance cannot be invoked for the **successive anticipatory bail application**. Further, from the investigation papers it clearly reveals that the present applicant has remained absconding since the date of filing of FIR and even thereafter dismissal of earlier anticipatory bail applications twice before the learned City Sessions Judge and once before this Court and now once again he has approached this Court by way of present **successive anticipatory bail application** without there being any change in circumstances.

[6.2] One more aspect which is required to be considered is that the applicant herein is on run and under one or another pretext, without there being any change in circumstances, present second **successive** anticipatory bail application is filed and therefore, in light of the law laid down by the coordinate Bench of this Court in the case of **State of Gujarat vs Kanaksinh Mohansinh Mangrola** reported in **2005 (1) GLH 665**, present application deserves to be dismissed. The coordinate Bench in the case of ***Kanaksinh Mohansinh Mangrola*** held as under:

> *"While deciding the second successive anticipatory bail application of the respondent no.1-accused, learned Sessions Judge has not taken into consideration the following aspects. Due to change in circumstance, party can approach the court below or the High Court under Sec.438 of the Code and court can deal with that point*

of change in circumstance only. However, the court cannot enter into the grounds which were previously contested by the parties and have become final. Here in this case, court below has violated the basic principle of law laid down by the Apex Court on this point by dealing with all points raised by the accused in the first application filed under Sec.438 of the Code and which were already decided by the learned Addl. Sessions Judge, Surat, in detail with prima-facie reasons. Said order was carried further by the accused in the High Court and at the end of arguments, it was withdrawn and hence it has become final between the parties and hence, learned Sessions Judge should not have dealt with the same points again in the successive anticipatory applications."

It would be apposite to refer to the recent decision dated 22.01.2025 of the Hon'ble Supreme Court in the case of **Parteek Arora @ Parteek Juneja vs. State of Punjab** in **Special Leave Petition (Criminal) Diary No.1920/2025** wherein it has been held that even after rejection of earlier bail applications, the accused was not taken into custody and therefore, **successive** anticipatory bail application came to be dismissed by imposing exemplary cost.

[6.3] Despite the dismissal of earlier bail application, the applicant has filed this subsequent anticipatory bail application without any change in the circumstance of the case. In this regard also, reference needs to be made to the judgment of the Hon'ble Supreme Court in the case of **G.R. Ananda Babu vs The State of Tamil Nadu** reported in **(2021)16 SCC 725 (3 Judges' Bench)** wherein it has been held that successive anticipatory bail applications ought not to be entertained, particularly, when the case diary and the status report clearly indicates that the accused is absconding and not cooperating with the investigation and that specious reason of change in circumstances cannot be invoked for successive anticipatory bail applications, once it is rejected.

[7.0] Insofar as the submission on behalf of the applicant that in the present case, no custodial interrogation is required is concerned, it is required to mention that herein, *prima facie* case is made out against the present applicant and there are serious allegations against the applicant. Thus, in order to reach to a logical conclusion of the investigation, the Investigating Officer deserves a free hand. There is no rule that if custodial interrogation is not required then anticipatory bail is required to be granted. The custodial interrogation is one of the good grounds to reject the anticipatory bail application but merely because custodial interrogation is not required, itself is not a ground to allow the **successive anticipatory bail application**.

[7.1] The investigation papers clearly reveal that the allegations against the accused are very serious one and he is wanted and out of reach and even **Look Out Circular** is opened against the applicant and therefore, in view of the law laid down by the Hon'ble Apex Court in case of **State of Haryana vs. Dharamraj reported in 2023 INSC 784**; **Lavesh vs. (NCT of Delhi)** reported in **(2012) 8 SCC 730; Abhishek vs. State of Maharastra** reported in **2022 (8) SCC 282 and Prem Shankar Prasad vs. State of Bihar** reported in **2021 SCC OnLine SC 955 and Srikant Upadhyay and Others vs. State of Bihar and Another** reported in **2024 SCC OnLine SC 282,** I am of the considered view that this is not a fit case to exercise the jurisdiction in favour of the applicant. In view of the above decision and in view of the facts and circumstances of this case, custodial interrogation of not only the applicant, but all other suspect/s is therefore imperative to unearth the truth. Hence, this is a not a fit case to exercise the jurisdiction in favour of the applicant when present is a **successive** application as earlier application was disposed of as withdrawn. In this regard, reference is required to be made to the recent decision dated 13.02.2026 of the Hon'ble Supreme Court in the case of **Balmukund**

Singh Gautam v. State of Madhya Pradesh and Another [2026 INSC 157].

[7.2] Even otherwise, on merits also, in this case, custodial interrogation is required since the applicant is facing charges under Sections 420, 465, 467, 468 and 114 of the IPC. At this stage, it is apposite to refer to the decision of the Hon'ble Supreme Court in the case of **Pratibha Manchanda vs The State of Haryana, reported in AIR 2023 SC 3307**, wherein the Hon'ble Apex Court has held in Para 19 as under:

> *"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.*
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> *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."*

[7.3] Herein, I have gone through the material available against the accused very carefully, from which, it reveals that no complaint has been made with view to humiliate or tarnish the image of the present applicant. Even in the case of **Jai Prakash Singh V/s State of Bihar and another, reported in (2012) 4 SCC 379**, the Hon'ble Supreme Court was pleased to hold:

> *"Parameters for grant of anticipatory bail in a serious offenceare 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 enroped in the crime and would not misuse his liberty."*

[8.0] The object of anticipatory bail is that person should not be harassed or humiliated in order to satisfy the grudge or personal vendetta of the complainant. In present case, no any such sort of allegation or bias is found out it is needless to say that order under Section 482 of the BNSS (section 438 of the CrPC) is not a passport to the commission of trial nor a shield against any serious accusation, which adversely affects the society.

[9.0] So far as the submission made on behalf of the applicant that charge-sheet is filed against accused No.3 and therefore, now nothing remains to be recovered or discovered from the present applicant is concerned, it is needless to say that criteria for deciding regular bail application and anticipatory bail application are different and *qua* present applicant, investigation is yet to be conducted and without investigation, no material or evidence can be collected by the investigating agency since the applicant is on run even after dismissal of his earlier bail applications and is not cooperating the investigating agency and hence also, filing of charge-sheet *qua* co-accused is not a ground to consider the present applicant, who is absconder since long, for anticipatory bail application. This Court is of the considered view that if the present applicant / accused is equipped with protective order, it would obviously adversely affect the case of the prosecution and the qualitative investigation as the applicant is absconding, having trained legal mind and he will tamper with evidence and witnesses of prosecution.

[10.0] In view of the above, as there is no change in the circumstance which means the reasoning given by the learned Sessions Judge attained the finality and in absence of any change in circumstance, the present application for anticipatory bail deserves to be dismissed with cost since even after dismissal of earlier bail applications prior to one and half year, the applicant is on run and filing one after another application.

[11.0] In view of the above, this Court is of the considered opinion that if the present applicant is released on bail, he could potentially obstruct the ongoing investigation. Therefore, for a thorough and qualitative investigation, custodial interrogation of the applicant is necessary. Hence, this Court is not inclined to entertain the present application and same is accordingly **dismissed**. Rule is hereby discharged.

(HASMUKH D. SUTHAR, J.)

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