

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CRIMINAL MISC.APPLICATION (FOR ANTICIPATORY BAIL) NO.
16320 of 2026****With****R/CRIMINAL MISC.APPLICATION NO. 16324 of 2026**

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SURBHIT MUKESHBHAI SHAH

Versus

STATE OF GUJARAT

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Appearance in CR.MA No.16320/2026:

MR SI NANAVATI, SR. ADVOCATE with MR HERSCHELLE K. RAVAL(18164) for applicants

MR VISHAL K ANANDJIWALA with MR YASH K DAVE(10269) for the Respondent No. 1

Appearance in CR.MA No.16324/2026:

MR SI NANAVATI, SR. ADVOCATE with MR SURAJ SHUKLA & MS PRIYANKA DUBE for applicants

MR VISHAL K ANANDJIWALA with MR YASH K DAVE(10269) for the Respondent No. 1

MS SHRUTI PATHAK, APP for the Respondent(s) No. 1

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CORAM:**HONOURABLE MR. JUSTICE HASMUKH D. SUTHAR****Date : 13/08/2026****COMMON ORDER**

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

[1.0] By way of the present application under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short "BNSS"), the applicants accused have prayed to release them on anticipatory bail in the event of their arrest in connection with the FIR being **C.R. No.11196004260144 of 2026** registered with **Gotri Police Station, Vadodara City** for the offences punishable under Sections 403, 404, 406, 420, 467, 468, 471, 120(B) and 114 of the Indian Penal Code, 1860 (for short "IPC").

[2.0] Learned Senior Advocate Mr. Sudhir I. Nanavati assisted by learned advocates Mr. Herschelle K. Raval and Mr. Suraj Shukla appearing for the applicants – accused has submitted that the applicants are innocent and have been falsely enroped in the offence. He has further submitted that the

alleged offence took place in the year 2002 for which FIR is filed in the year 2026 i.e. after a huge delay of more than 24 years and even otherwise, the applicants have not played any role so far as alleged forgery of power of attorney is concerned. He has also argued that case is based on documentary evidence and triable by the Court of Magistrate and therefore, he has requested to allow the present applications and grant anticipatory bail to the present applicants by imposing suitable conditions.

[3.0] Learned APP as well as learned advocate Mr. Vishal K. Anandjiwala assisted by learned advocate Mr. Yask K. Dave appearing for the original complainant have vehemently opposed the present applications and have requested to dismiss the present applications.

[4.0] Having heard the learned Counsel appearing for the respective parties and considering the averments made in the applications and perusing the record, it appears that the case of the complainant is that father of the present applicants forged the power of attorney of the complainant and using the said forged power of attorney got executed sale deed with respect to properties being Revenue Survey No.403, City Survey No.1880 situated at Sayajiganj Kasba, Vadodara in favor of the present applicants in the year 2002 however, at the relevant point of time, the applicant namely Surbhit Shah (CR.MA No.16320/2026) was aged only 17 years and applicant namely Amit Shah (CR.MA No.16324/2026) was aged only 19 years. Even from the bare perusal of the FIR, it appears that present applicants have not played any active role in forging of any of the documents and whatever allegation of forgery of alleged power of attorney of the complainant is concerned, is against the father of the present applicants, who is now no more.

[4.1] Further, for the alleged offence which took place in the year 2002, the FIR is filed in the year 2026 i.e. after a huge delay of more than 24 years. Even, present case is based on documentary evidence and even if we accept the allegations as it is including civil proceedings, except knowledge *qua*

alleged forgery, no role is attributed to the present applicants insofar as forging of the power of attorney is concerned. Further, the applicant of CR.MA No.16320/2026 is not having any antecedent and applicant of CR.MA No.16324/2026 is having one past antecedent relating to violation of Labour Law and except this no similar past antecedents and even otherwise, unless proven guilty, applicant of CR.MA No.16324/2026 is governed by presumption of innocence.

[5.0] Considering the aforesaid fact and quantum of punishment for the offences alleged against the applicants and the law laid down by the Hon'ble Supreme Court in the case of **Sushila Aggarwal v. State (NCT of Delhi)** reported in **(2020) 5 SCC 1**, more particularly paragraph 7.1, I am inclined to allow the present applications.

[6.0] In the result, the present applications are allowed by directing that in the event of **arrest / appearance** of the applicants in connection with the FIR being **C.R. No.11196004260144 of 2026** registered with **Gotri Police Station, Vadodara City**, the applicants shall be released on bail on furnishing a personal bond of **Rs.10,000/- (Rupees Ten Thousand Only)** each with one surety of like amount on the following conditions that applicants :

- (a) shall cooperate with the investigation and make himself available for interrogation whenever required;
- (b) **shall remain present at the concerned Police Station on 21/08/2026 between 11.00 a.m. and 2.00 p.m. and the IO shall ensure that no unnecessary harassment or inconvenience is caused to the applicants;**
- (c) 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;
- (d) 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;

- (e) shall at the time of execution of bond, furnish the address to the investigating officer and the court concerned and shall not change his 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) an 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;
- (h) 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.-

[7.0] At the trial, the Trial Court shall not be influenced by the *prima facie* observations made by this Court while enlarging the applicants on bail.

[8.0] Rule is made absolute to the aforesaid extent in each of the applications. Applications are disposed of accordingly. Direct service is permitted.

A copy of this order be placed in CR.MA No.16324/2026.

(HASMUKH D. SUTHAR, J.)

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