

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CRIMINAL APPEAL (REGULAR BAIL - AFTER CHARGESHEET) NO.
3148 of 2025****With****R/CRIMINAL APPEAL NO. 3163 of 2025**

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MANUBHAI GOGANBHAI KANDHABHAI MODHVADIYA**Versus****STATE OF GUJARAT & ANR.**

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Appearance:**MR ASHISH M DAGLI(2203) for the Appellant(s) No. 1****MR PREMAL RAACHH for the Opponent(s)/Respondent(s) No. 2****MR HARDIK MEHTA ADDITIONAL PUBLIC PROSECUTOR for the****Opponent(s)/Respondent(s) No. 1**

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CORAM:HONOURABLE MR. JUSTICE NIKHIL S. KARIEL**Date : 07/04/2026****ORAL ORDER**

1. Heard learned Advocate Mr. Ashish Dagli on behalf of the appellants, learned Additional Public Prosecutor Mr. Hardik Mehta on behalf of the respondent no.1-State and learned Advocate Mr. Premal Raachh on behalf of respondent no.2.
2. Rule. Learned APP for the respondent no.1 – State and learned Advocate for respondent no. 2 waive service of rule on behalf of the respondent- State.
3. The present appeals are filed under Section 14-A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act read with Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) for regular bail in connection with F.I.R. bearing **C.R. No. 11202057250379 of 2025** registered with **Sikka Police Station, Jamnagar** for offences punishable under Sections 120B, 406, 465,

467, 468, 471 and 114 of the Indian Penal Code and Sections 3(2)(v) and 3(1)(g) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

4. Learned Advocate for the appellants would submit that considering the role attributed to the appellants, and nature of the allegation levelled, the appellants may be enlarged on regular bail. It is further submitted that since the charge-sheet is filed no useful purpose would be served by keeping the appellants in jail for indefinite period. It is further contended that the appellants are ready and willing to abide by all the conditions that may be imposed by this Court if released on bail.
5. As against the same, learned Additional Public Prosecutor appearing for the respondent – State and learned Advocate for respondent no. 2 have vehemently objected to the grant of regular bail. Learned APP has submitted that looking to the nature of offence and the role attributed to the present appellants, this Court may not exercise the discretion in favour of the appellants and the appeals may be dismissed.
6. This Court has heard learned Advocates appearing on behalf of the respective parties and perused the papers. Following aspects are considered:-
 - (i) The allegation being that the accused after impersonating the owner of the land that is father of the complainant, sold a land in question to themselves and had later transacted the land in question.

(ii) It would appear in this regard that appellant of Criminal Appeal No. 3148 of 2025 appears to be the mastermind and the appellant of Criminal Appeal No. 3163 of 2025, who is the nephew of the other appellants, appears to be a mere accomplice.

(iii) It would also appear in this regard that the appellant of Criminal Appeal No. 3148 of 2025, had allegedly purchased the land from a person who had impersonated as the deceased father of the original complainant, who incidentally had been identified by appellant of Criminal Appeal No. 3163 of 2025 and whereas, later on, the land had been sold to a third party who claims to have paid substantial amount to the appellant of Criminal Appeal No. 3148 of 2025 as well as to a third party, who was allegedly in possession of the land in question.

(iv) Having observed as above, this Court has considered the fact that the appellant of Criminal Appeal No. 3148 of 2025 is in custody since 09.07.2025 and appellant of Criminal Appeal No. 3163 of 2025 is in custody since 20.08.2025, the charge-sheet having been filed by the Investigating Officer and whereas the offence alleged are under Section 406, 465, 467, 468, 471 and 114 etc.

(v) This Court has also considered that majority of evidences are documentary in nature and whereas this Court also finds that appellant of Criminal Appeal No. 3148 of 2025 has one antecedent of commission of offence punishable under Section 323, 504 of IPC etc. whereas appellant of Criminal Appeal No. 3163 of 2025 does not have any antecedents.

7. This Court has taken into consideration the law laid down by the Hon'ble Apex Court in the case of **Sanjay Chandra v. Central Bureau of Investigation** reported in [2012] 1 SCC 40.
8. In the facts and circumstances of the case and considering the nature of allegations made in the FIR and without discussing the evidence in details as well as without going into details, prima-facie, this Court is of the opinion that this is a fit case to exercise the discretion to enlarge the appellant on bail.
9. Hence, the appeal is allowed and the appellants are ordered to be released on bail in connection with **C.R. No. 11202057250379 of 2025** registered with **Sikka Police Station, Jamnagar** on executing a bond of **Rs.1,00,000/- (Rupees One Lac only)** each with one surety of the like amount to the satisfaction of the trial Court and subject to the conditions that they shall;
 - [a] not take undue advantage of liberty or misuse liberty;
 - [b] not act in a manner injuries to the interest of the prosecution;
 - [c] surrender passport, if any, to the lower court within a week;
 - [d] not leave the State of Gujarat without prior permission of the Sessions Court concerned;
 - [e] furnish the present address of residence to the I.O. and also to the Court at the time of execution of the bond and shall not change the residence without prior intimation to the Investigating Officer concerned ;

[f] appellant of Criminal Appeal No. 3148 of 20205 shall mark presence at the concerned Police Station once a month for a period of one year and appellant of Criminal Appeal No. 3163 of 2025 shall mark present once in a month for a period of three months before the concerned police station.

10. The Authorities will release the appellants only if they are not required in connection with any other offence for the time being. If breach of any of the above conditions is committed, the Sessions Judge concerned will be free to take appropriate action in the matter.

11. Bail bond to be executed before the lower court having jurisdiction to try the case. It will be open for the concerned Court to delete, modify and/or relax any of the above conditions in accordance with law.

12. At the stage of trial, the trial court shall not be influenced by any observations of this Court which are of preliminary nature made at this stage, only for the purpose of considering the application of the appellants for being released on regular bail.

13. The appeals are allowed in the aforesaid terms. Rule is made absolute to the aforesaid extent. Direct service is permitted.

(NIKHIL S. KARIEL,J)

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