

**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**

S.B. Criminal Miscellaneous Bail Application No. 13007/2025

1. Sabir Ali S/o Shri Alim Khan, Aged About 50 Years, Near Bal Niketan School Dhobi Talai Bikaner
2. Shiv Shankar S/o Shri Kishan, Aged About 25 Years, Road No 7 Industrial Area Bikaner
3. Balkishan S/o Shri Poonamchand, Aged About 44 Years, Near Panchmukha Hanuman Ji Mandir Rani Bazar Bikaner

-----Petitioners

Versus

State Of Rajasthan, Through Pp

-----Respondent

Connected With

S.B. Criminal Miscellaneous Bail Application No. 13009/2025

1. Sabir Ali S/o Shri Alim Khan, Aged About 50 Years, Near Bal Niketan School Dhobi Talai Bikaner
2. Shiv Shankar S/o Shri Kishan, Aged About 25 Years, Road No. 7 Industrial Area Bikaner
3. Balkishan S/o Shri Poonamchand, Aged About 44 Years, Near Panchmukha Hanuman Ji Mandir Rani Bazar Bikaner

-----Petitioners

Versus

State Of Rajasthan, Through Pp

-----Respondent

For Petitioner(s)	:	Mr. Shreedhar Purohit
For Respondent(s)	:	Mr. Urja Ram Kalbi, PP Mr. Deepak Menaria, for complainant

HON'BLE MR. JUSTICE PRAVEER BHATNAGAR

Order

23/03/2026

1. Learned counsel for the petitioners submits that qua the petitioners No.1 - Sabir Ali and No.2 - Shiv Shankar, the anticipatory bail applications have rendered infructuous.

2. In view of the submission made, the anticipatory bail applications qua the petitioners No.1 - Sabir Ali and No.2 - Shiv Shankar are dismissed as having become infructuous.

3. Apprehending the arrest the petitioner No.3 - Balkishan in connection with FIR No. 480/2023 registered at Police Station Sadar Bikaner, District Bikaner for the offence(s) under Sections 420, 467, 468, 471, 406, 120-B of IPC and FIR No. 492/2023 registered at Police Station Sadar Bikaner, District Bikaner for the offence(s) under Sections 420, 406, 467, 468, 471, 120-B, 447 of IPC respectively, the accused-petitioner No.3 has preferred these anticipatory bail applications under Section 438 Cr.PC (Now 482 BNSS).

4. Learned counsel for the accused-petitioner No.3 submits that accused-petitioner has falsely been implicated in this case solely on the basis of the matrimonial dispute occurred between petitioner No.3 and his wife (complainant). It is argued that the matter is exclusively triable by Magistrate, the accused-petitioner is ready and willing to cooperate with the investigation and custodial interrogation of the accused-petitioner is not required, therefore, anticipatory bail applications of the accused-petitioner may be allowed.

5. Learned counsel for the petitioner placed reliance on the judgment dated 16.08.2021, passed by the Hon'ble Supreme Court in the case of ***Siddharth Vs. The State of Uttar Pradesh; Criminal Appeal No.838/2021***.

6. Per contra, learned counsel for the complainant submits that the petitioner No.2 forged a power of attorney with regard to complainant's immovable property, and thereafter, gifted the

property to his own brother, thus, the petitioners have committed offence under Section 467, 468, 471 read with 120B of the IPC. The offences committed by the petitioners are punishable with life imprisonment and other sentence, therefore, considering the aforesaid facts, the anticipatory bail applications of the petitioner deserves dismissal.

7. Learned Public Prosecutor has submitted the factual report and also vehemently opposed the anticipatory bail applications.

8. Heard and perused the material available on record.

9. Pursuant to the Court's order, the petitioner No.3 appeared before the investigating officer and submitted the alleged forged documents. The Hon'ble Apex Court in the case of **Siddharth** (supra) held that merely because an arrest can be made because it is lawful does not mandate that arrest must be made. A distinction must be made between the existence of the power to arrest and the justification for exercise of it. If arrest is made routine, it can cause incalculable harm to the reputation and self-esteem of a person. If the Investigating Officer has no reason to believe that the accused will abscond or disobey summons and has, in fact, throughout cooperated with the investigation, then there should not be a compulsion on the officer to arrest the accused. Therefore, considering the aforesaid facts, this Court deem it just and proper to allow the anticipatory bail applications of the accused-petitioner.

10. Accordingly, these anticipatory bail applications under Section 438 (Now 482 BNSS) are allowed and it is ordered that in the event of arrest of the petitioner No.3 **Balkishan S/o Shri Poonam Chand**, in connection with FIR No. 480/2023 registered

at Police Station Sadar Bikaner, District Bikaner for the offence(s) under Sections 420, 467, 468, 471, 406, 120-B of IPC and FIR No. 492/2023 registered at Police Station Sadar Bikaner, District Bikaner for the offence(s) under Sections 420, 406, 467, 468, 471, 120-B, 447 of IPC respectively, he shall be released on bail, provided he furnishes a personal bond in the sum of Rs.50,000/- with two sureties in the sum of Rs.25,000/- each to the satisfaction of the S.H.O/I.O/Arresting Officer of the concerned Police Station on the following conditions:-

- (i) that the petitioner No.3 shall make himself available for interrogation by a police officer as and when required;
- (ii) that the petitioner No.3 shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the court or any police officer, and
- (iii) that the petitioner No.3 shall not leave India without previous permission of the court.

(PRAVEER BHATNAGAR),J