IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/CRIMINAL MISC.APPLICATION (FOR REGULAR BAIL - AFTER CHARGESHEET) NO. 12580 of 2026

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MUKESH NATVARLAL VASAIYA

Versus

STATE OF GUJARAT

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Appearance:
MR ND NANAVATY, SR. ADVOCATE with MR NISARG N TRIVEDI(6144) for the Applicant
TRIVEDI LAW OFFICE & ASSOCIATES(6538)(6538) for the Applicant(s) No. 1
MR MITESH AMIN, SR. ADVOCATE with MR PRITHU PARIMAL(9025) for the Respondent
MR KRUTIK PARIKH, APP for the Respondent

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

Date : 27/11/2026

ORDER

[1.0] The present application is filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short "BNSS") for regular bail in connection with FIR being **C.R. No.11191006250079 of 2025** registered with **Bodakdev Police Station, Ahmedabad City** for the offences punishable under Sections 316(2), 316(5), 318(4), 336(2), 338 and 340(2) of the Indian Penal Code, 1860 (for short "IPC") / Bharatiya Nyaya Sanhita, 2023 (for short "BNS").

[2.0] Learned Senior Advocate Mr. N.D. Nanavaty assisted by learned advocate Mr. Nisarg N. Trivedi for Trivedi Law Office & Associates appearing on behalf of the applicant submits that applicant is innocent and has been falsely implicated in the offence and now nothing is required to be recovered or discovered since the charge-sheet is already filed. He has further submitted that initially, an FIR was registered for the offences punishable under Sections 316(2), 316(5), 318(4) of BNS in connection with which the applicant was released on anticipatory bail vide order dated 09.04.2025 passed by the learned Sessions Judge and subsequently, upon conclusion of investigation, charge-sheet was filed and thereafter, vide order passed by the learned trial Court below Exh.8, Sections 336(2), 338

and 340(2) of the BNS were inserted. Thereafter, Criminal Misc. Application No.6781/2025 was filed for apprehending the applicant – accused for procuring his signature, which was rejected by the learned trial Court vide order dated 13.11.2025. Eventually, the original complainant approached this Court for cancellation of anticipatory bail of the present applicant by filing CR.MA No.8557 of 2025, which came to be allowed by the coordinate Bench vide order dated 08.05.2026. Pursuant to the order passed by the coordinate Bench, the applicant-accused came to be arrested on 12.05.2026 and since then the applicant is behind the bars.

[2.1] He has further submitted that case is based on documentary evidence and applicant has not committed any forgery. It is alleged that applicant has misrepresented himself before the authority pursuant to which the authority has issued certificate of agriculturist and based on the said certificate, though the applicant was not an agriculturist, he has purchased the agricultural land and that too for partnership firm. The complaint is filed by partnership firm and it is stated that firm as paid three times penalty and all these proceedings are subject to final outcome or such grievance is required to be ventilated through revenue proceedings. He has further submitted that applicant is one of the partner in the partnership firm namely Tatva Green and he is having 10% partnership whereas the complainant is having 35% partnership share and whatever proceedings or whatever act is committed by the applicant is on behalf of the partnership firm. Earlier, the applicant was protected by way of anticipatory bail but subsequent to addition of offence of forgery, applicant, who is senior citizen aged 63 years suffering from various ailments, applicant is arrested. He has also argued that the offences are triable by the Court of Magistrate and commencement and conclusion of trial will take its own time. He therefore submits that, considering the nature of the offence, the applicant may be enlarged on regular bail by imposing suitable conditions.

[3.0] Learned Senior Advocate Mr. Mitesh Amin assisted by learned

advocate Mr. Prithu Parimal appearing for the original complainant as well as learned APP have opposed the present application on the ground that modus of the applicant is required to be seen since the applicant has jumped the condition of anticipatory bail. When the applicant was granted anticipatory bail, the applicant has executed two sale deeds though three times premium was paid by the partnership firm. It is further submitted that further investigation is going on and role of applicant *qua* offence of forgery is revealed and due to this reason, the applicant is arrested and if the applicant is released on bail then the possibility of applicant selling off other two properties of the partnership firm cannot be ruled out. Further, though the applicant is not an agriculturist, by fraudulent means, he has obtained agriculturist certificate and purchased agricultural lands using the funds of partnership firm that too in his own name and rather than transferring the amount to partnership firm, applicant has pocketed the money and therefore, if the applicant is released on bail the possibility of tampering with evidence cannot be ruled out. Hence, it is requested to dismiss the present application for regular bail looking to the nature and gravity of the offence.

[4.0] While granting bail, the Court has to consider the involvement of the accused in the alleged offence, the jurisdiction to grant bail has to be exercised on the basis of the well settled principles having regard to the facts and circumstances of each case and the following factors are to be taken into consideration while considering an application for bail: (i) the nature of accusation and the severity of the punishment and the nature of the materials relied upon by the prosecution; (ii) reasonable apprehension of tampering with the witnesses and threat to the complainant or the witnesses; (iii) reasonable possibility of securing the presence of the accused at the time of trial or the likelihood of his abscondence; (iv) character behaviour and standing of the accused and the circumstances which are peculiar to the accused; (v) larger interest of the public or the State and similar other considerations are required to be considered.

[5.0] I have heard the learned Counsel appearing on behalf of the respective parties and perused the investigation papers.

[5.1] Going through the record, it appears that (i) the applicant, the complainant and other individuals are the partners of M/s. Tattva Green firm, wherein, share of the applicant and the complainant are to the tune of 10% and 35% respectively. It is alleged that the applicant deposited a sum of Rs.50,00,000/- from the bank account of the partnership firm in his own account to purchase the land; (ii) the present applicant projected himself as an agriculturist and purchased the land in his and Manoj's name, but the applicant-accused has not transferred the said land in the name of the partnership firm and thereby, committed the alleged offence; (iii) the applicant has used the forged document to obtain the certificate for agriculturist status however, the certificate issued by the authority is not forged one but allegation against the applicant is that though applicant's name is 'Mukesh Natvarlal Vasaiya', he has used the certificate of 'Mukesh Mathurdas' and based on the same, he has obtained the certificate in his name and purchased the lands in his name from the funds of the partnership firm; (iv) learned Collector found that the applicant has wrongly projected himself as agriculturist and the partnership firm has paid three times penalty towards premium. This Court has also considered the following aspects:

(1) So far as apprehension on behalf of the original complainant and respondent – State as regards tampering of evidence and selling of two other properties of the partnership firm being Survey Nos.2045 and 2023 is concerned, same is sold by the original owners of the land and sale transactions are already cancelled or annulled by the competent authority;

(2) Case is based on documentary evidence;

(3) None of the offence alleged is punishable with life sentence or death penalty and is triable by the Court of Magistrate;

(4) Applicant is behind the bars since **12.05.2026**;

(5) There is nothing to be recovered or discovered from the applicant;

(6) The applicant is not having any past antecedent**;**

(7) Obviously commencement and conclusion of trial will take some time.

[6.0] This Court has also taken into consideration the law laid down by the Hon'ble Apex Court in the case of **Sanjay Chandra vs. Central Bureau of Investigation** reported in **[2012]1 SCC 40** as well as in the case of **Gudikanti Narasimhulu And Ors vs. Public Prosecutor, High Court of Andhra Pradesh** reported in **(1978)1 SCC 240.** Obviously, the conclusion of trial will take time and keeping the accused behind the bars is nothing but amounts to pre-trial conviction and therefore, considering the celebrated principle of bail jurisprudence is that *"bail is a rule and jail is exception"* as well as the concept of personal liberty guaranteed under Article 21 of the Constitution of India, present application deserves consideration.

[7.0] In the facts and circumstances of the case and considering the nature of the allegations made against the applicant in the FIR, without discussing the evidence in detail, *prima facie*, this Court is of the opinion that this is a fit case to exercise the discretion and enlarge the applicant on regular bail. Hence, the present application is allowed. The applicant is ordered to be released on regular bail in connection with FIR being **C.R. No.11191006250079 of 2025** registered with **Bodakdev Police Station, Ahmedabad City** on executing a personal bond of Rs.25,000/- (Rupees Twenty-five Thousand only) with **ONE SURETY** of the like amount to the satisfaction of the trial Court and subject to the conditions that he shall;

(a) not take undue advantage of liberty or misuse liberty;

(b) not act in a manner injurious to the interest of the prosecution & shall not obstruct or hamper the police investigation and shall not to play mischief with the evidence collected or yet to be

collected by the police;

(c) surrender passport, if any, to the Trial Court within a week;

(d) not leave the **territory of State of Gujarat** without prior permission of the Trial Court concerned;

(e) **mark presence before the concerned Police Station once in a month for a period of six months between 11.00 a.m. and 2.00 p.m.;**

(f) furnish the ***copy of Aadhaar card, email ID/contact number / permanent and present address of his residence*** to the Investigating Officer and also to the Court at the time of execution of the bond and shall not change the ***residence and contact number/SIM card*** without prior permission of Trial Court;

(g) not to indulge in any illegal activity failing which learned trial Court shall issue warrant and cancel the bail of the applicant.

[8.0] The authorities will release the applicant only if he is 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 issue warrant or take appropriate action in the matter.

[9.0] 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.

[10.0] At the trial, the trial Court shall not be influenced by the observations of preliminary nature qua the evidence at this stage made by this Court while enlarging the applicant on bail.

[11.0] Rule is made absolute to the aforesaid extent. Direct service is permitted.

(HASMUKH D. SUTHAR, J.)

Ajay

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: AJAY CHANDRAN MENON(HC00939), PRINCIPAL PRIVATE SECRETARY, at High Court of Gujarat on 27/11/2026 16:14:15