



**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**  
**R/CRIMINAL MISC.APPLICATION (FOR REGULAR BAIL -**  
**BEFORE CHARGESHEET) NO. 12854 of 2026**

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JITENDRASINH NARANSINH RATHOD  
Versus  
STATE OF GUJARAT

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Appearance:

MR. ASARAR L. MANSURI(18390) for the Applicant(s) No. 1  
MR. VATSAL D. RUPAREL(14194) for the Respondent(s) No. 1  
MR HK PATEL, APP for the Respondent(s) No. 1

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

**Date : 24/06/2026**

**ORDER**

- (1) The present application has been 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.11202057250613 of 2025** registered with **Sikka Police Station, District - Jamnagar**, for the offence under Sections 336(2), 336(3), 338, 339, 340(2), 242 and 61(2)(a) of the Bharatiya Nyaya Santita.
- (2) Heard learned Advocate Mr. A. L. Mansuri, for the applicant, learned APP Mr. H. K. Patel, for the respondent – State and learned Advocate Mr. V. D. Ruparel, for the original complainant.
- (3) Learned advocate appearing on behalf of the applicant has submitted that the applicant is a practicing Advocate from last 22 years and has been falsely enroped in the present offence for preparing false document and using the same as genuine in the Sub-Registrar Office and transferred the agricultural land in their name and taken possession by submitting false and bogus document. In this regard complaint came to be lodged. Except



rendering the professional services no role is attributed to the applicant. The complaint is filed after inordinate delay of eight months and no any material shows involvement of the of the applicant. The co-accused have been released on bail. Hence, considering the nature of the offence, the applicant may be enlarged on regular bail by imposing suitable conditions.

- (4) Learned APP for the respondent-State as well as learned Advocate for the original complainant have opposed the present application on the ground that this is not a case wherein investigation is completed. Co-accused released after filing of the charge-sheet qua them. Initially, the applicant has filed anticipatory bail but as the Court was not inclined to allow the bail the applicant has withdrawn the application and subsequently he was arrested. Even as per column no.2 of the charge-sheet investigation is still going on and the applicant is recently arrested on 22.05.2026 and other co-accused are yet to be arrested. The applicant has not rendered professional service as he is the kingpin and mastermind of the offence. The applicant has hatched conspiracy and identified one complainant and prepared forged document. He has also received consideration towards said transaction in which Rs.15 lakhs was transferred in the account of wife and remaining amount was received and distributed amongst the co-accused. The offence is punishable with life imprisonment and there is every possibility that, if the applicant is released on bail, he will try to tamper with the evidence. Hence, they have requested to dismiss the present application.
- (5) Heard the learned advocates appearing for the respective parties and perused the investigation papers.
- (6) While deciding bail application, 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.

- (7) Perusing the papers it appears that the complaint is filed by the complainant who is a citizen of the United Kingdom. The property situated at Village Vasai, being old Survey No.77/2 paiki New Survey No.43 admeasuring 3 Acre 30 Gunthas was in ownership and possession of the complainant. The complainant is an overseas citizen and when he came to India in April 2024 then on 10.09.2024 he came to know that the said land was converted into non-agricultural land and maps and other details are circulated for selling purpose in the market and when the said fact came to the notice of the complainant he inquired revenue record of the land and then he came to know that the land belongs to him was sold on 11.02.2025 in favour of Bhagwanjibhai Hansrajibhai Gori by executing Sale Deed for a consideration of Rs.49 lakhs and seller name was Amitbhai Damjibhai Shah and the amount of consideration was paid through cheque drawn on Navanagar Co.Op. Bank, Udhyognagar



Shankar Tekri, Jamnagar, wherein, impersonating the complainant false registered Sale Deed came to be executed and amount was also withdrawn from the bank and two witnesses namely Navinbhai Ramji Gori of Jamnagar and Yogesh Keshavji Shah of Mulund, Mumbai were mentioned and in connivance of co-accused the accused persons took undue advantage of the complainant residing overseas and his property was transferred based on false declaration impersonating the complainant the offence of forgery was committed. Thereafter, he has approached the authority and restricted the transfer and further entry of revenue record however order was passed in favour of the applicant. Pursuant to the said complaint the investigation was carried out. During the investigation it was found that the present applicant had introduced one Yogesh Jhakariya, Mitulbhai Jakariya and Ashokbhai Jakariya to Bhagwanjibhai and in connivance of four persons the applicant in the capacity of an Advocate had prepared one forged document and amount of consideration came to be deposited in the account of co-accused Vinodbhai Nandu and at the instruction of the applicant Rs.50 lakhs was transferred from the account of his wife and remaining Rs.9 lakhs was transferred to the account of Bhagwanjibhai. *Prima facie* it appears that the applicant has orchestrated the entire conspiracy by preparing forged document and received the amount of consideration and distributed amongst the co-accused. Further, it *prima facie* appears that the applicant has actively participated in the offence and received financial benefit also. Thereafter, remaining Rs.6 lakhs was also received. The investigation qua the applicant is still pending hence considering the aforesaid facts and role attributed to the applicant this Court is of the view that the applicant has played an active role and he has not performed or rendered any professional service.



- (8) So far arguments qua co-accused released on bail by the coordinate bench is concerned, the co-accused was released on bail after completion of investigation and case of that accused was that he became victim and third party had received Rs.49 lakhs and the applicant is shown as purchaser. Hence, the Court has considered that he was shown as victim and even otherwise considering the role of the accused and present applicant are different as the present applicant is a main conspirator and he has designed the conspiracy and manage or introduced the witness or purchaser for fraudulent purpose the role is different. Considering the aforesaid fact, applicant is not entitled to get the benefit of parity as the co-accused who have been released on bail had played lesser role than that of the present applicant since the present applicant is the kingpin and mastermind of the entire offence. In this regard, It would be apposite to refer to the decision of the Hon'ble Apex Court in case of **Ramesh Bhavan Rathod vs. Vishanbhai Hirabhai Makwana Makwana (Koli) & Anr.** reported in **LL 2021 SC 221**; **Tarun Kumar vs. Assistant Director Directorate of Enforcement** reported in **2023 SCC OnLine SC 1486** and recent decision of the Hon'ble Supreme Court in the case of **Sagar vs. State of U.P.** reported in **2025 INSC 1370**. Hence, applicant is not entitled to get benefit of parity considering that his role and involvement in the offence is graver or on higher footing. Hence, arguments canvassed by the learned Advocate for the applicant is not acceptable.
- (9) Further, the filing of charge-sheet or completion of investigation qua the co-accused is not a ground for bail as the investigation qua the applicant is yet to be completed and he cannot take advantage of whatever evidence or role attributed to the co-accused. Considering the manner in which the applicant has



played the role this Court is of the view that if the applicant is released on bail then there is every possibility that the applicant will tamper with the prosecution evidence and this is not a case wherein he has played or rendered professional service. The Advocacy is a noble profession and the applicant has taken undue advantage of his knowledge and indulged himself in criminal activity. Hence, this Court is not inclined to allow the application as it will adversely effect the case of prosecution.

- (10) At this stage, decision of the Hon'ble Supreme Court in the case of **Ash Mohammad vs. Shiv Raj Singh alias Lalla Babu and Another** reported in **(2012) 9 SCC 446** is also required to be referred to wherein it has been held that the concept of liberty is not in the realm of absolutism but is a restricted one and no element in the society can act in a manner by consequence of which the life or liberty of others is jeopardized.
- (11) For the foregoing reasons, this Court is of view that present is not a fit case to exercise discretion under Section 483 of the BNSS in favour of the applicant. Accordingly, present application does not deserve any consideration and is hereby **dismissed**.
- (12) It is made clear that the observations made in the present order are tentative in nature and the learned trial Court shall decide the case of the applicant independently on its own merits without being influenced by the observations made in the present order.

ANKIT JANSARI

**(HASMUKH D. SUTHAR,J)**