

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CRIMINAL MISC.APPLICATION (FOR ANTICIPATORY BAIL) NO. 19926
of 2026**

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GANPATBHAI DAYALJIBHAI PATEL
Versus
STATE OF GUJARAT & ANR.

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Appearance:

DHRUV J PATEL(9232) for the Applicant(s) No. 1

MS ARCHANA P PATEL(5430) for the Respondent(s) No. 2

MR RONAK RAVAL, APP for the Respondent(s) No. 1

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CORAM:HONOURABLE MR.JUSTICE SANJEEV J.THAKER

Date : 11/09/2026**ORAL ORDER**

1. The present case concerns allegations of repeated misconduct by the applicant, aged 70 years, towards the complainant, a young woman aged 21 years. As per the FIR, the applicant had earlier attempted to molest the complainant. He thereafter approached her and apologised for his conduct, which was also recorded on the mobile phone. However, on 31.07.2026, when the complainant was again alone, the applicant is alleged to have approached her and made obscene demands. The complainant thereafter informed her family members and, due to fear of social consequences, approached the police after two days. The investigation has also collected statements of witnesses which support the material facts stated by the complainant.

2. The present application has been filed under Section 482 of the Bharatiya Nyaya Suraksha Sanhita, 2023 (for short, “BNSS”), seeking anticipatory bail in the event of arrest in connection with FIR being C.R. No.11192035260238 of 2026 registered with Mandal Police Station, Ahmedabad Rural, for the offences punishable under Sections 75(2) and 78(2) of the Bharatiya Nyaya Sanhita.

3. Rule. Learned APP waives service of notice of Rule for the respondent State.

4. Heard learned advocate for the applicant and learned APP for the respondent State.

5. Learned advocate for the applicant submitted that this FIR is filed only with a view to falsely implicate the applicant, the applicant is an old and infirm man of 70 years of age, there is a pre-existing land dispute between the two families, the applicant has been impleaded in the complaint by stating completely concocted story. It is submitted that the impugned complaint is a counter-blast to the FIR filed by the wife of the applicant for the grievous injuries sustained by the applicant. He submitted that the applicant is 70 years of age and is physically incapable of the act of overpowering alleged against him. He submitted that the applicant was not

present in the village for the whole day. He submitted that the complaint is filed after a delay of two days and there is explanation for the said delay.

5.1. Learned advocate for the applicant has relied upon an incident which took place on 01.08.2026. It is submitted that on that day the husband and brother in law of the complainant had gone to the residence of the applicant and had assaulted him. It is further submitted that the wife of the applicant has lodged a complaint regarding the said incident. On this basis, it is argued that the present FIR is a result of the said dispute and has been lodged with an ulterior motive. It is submitted that the applicant is a permanent resident of the said village, is available for investigation and will not flee from justice. He, therefore, prayed that this application be allowed and the applicant be released on anticipatory bail.

6. *Per contra*, learned APP has opposed the application and submitted that the first incident occurred of the applicant trying to molest the complainant and when the complainant's husband and other family members had gone to the applicant, the applicant apologized for the same and the recording to that effect was also done. Thereafter, after three months i.e. on 31.07.2026, again the applicant took the

opportunity of the complainant being alone and asked for obscene demands from her. He submitted that the statements of the mother-in-law, father-in-law, sister-in-law and the village people support the said facts stated by the complainant. He, therefore, submitted that the investigation is still in progress and custodial interrogation of the applicant is required to ascertain the complete facts. Learned APP therefore prayed for rejection of the application.

7. Having heard the learned advocates and having considered the material placed on record, the following aspects are considered.

7.1. The facts of the case need to be considered in their proper sequence. The complainant is a young woman aged 21 years. The present applicant is 70 years old. As per the FIR, there was an earlier incident in which the applicant had tried to molest the complainant. It is further stated that after the said incident, the applicant came to the complainant and apologised for his conduct. The prosecution has also placed reliance upon a video recording of the said apology which is stated to be available on the mobile phone.

7.2. The earlier incident is also reflected in the statements of the witnesses recorded during investigation. The witnesses

have stated about the conduct of the applicant towards the complainant. They have also stated that the applicant had thereafter apologised for his act. Thus, the investigation has brought on record material concerning the earlier incident and the conduct of the applicant thereafter.

7.3. The subsequent incident is alleged to have taken place on 31.07.2026. On that day, the complainant was alone. It is alleged that the applicant took advantage of the situation and again approached the complainant. He is alleged to have made obscene demands towards her. Thus, according to the prosecution, the incident dated 31.07.2026 was not an isolated allegation. It followed the earlier incident for which the applicant had already tendered an apology.

7.4. The complainant has stated that after the incident dated 31.07.2026, she informed her family members about what had happened. The complaint was lodged after two days. The explanation given by the complainant for the delay is that she was afraid of the reaction of the society. At this stage, the delay of two days cannot be considered by itself to discard the allegations. The explanation given by the complainant will have to be considered along with the other material collected during investigation. Whether the explanation ultimately deserves acceptance is a matter for

appreciation of evidence. Such appreciation cannot be undertaken at this stage.

7.5. The statement of the complainant has also been recorded under Section 183 of the Bharatiya Nagarik Suraksha Sanhita. In that statement, she has again stated about the earlier incident and also about the incident dated 31.07.2026. Her version regarding the material facts has therefore remained consistent.

7.6. The defence of the applicant regarding the incident dated 01.08.2026 cannot be finally examined in the present proceedings. The complaint filed by the wife of the applicant is a circumstance which has been considered by this Court. However, the existence of such complaint does not, by itself, wipe out the material collected in the present investigation. The two sets of allegations have to be considered on their own material. The complaint filed by his wife may have its own consequences and will have to be considered on the basis of the evidence available in that case. It cannot, at this stage, be treated as sufficient to reject the allegations made by the complainant in the present FIR. At this stage, the Court is required to consider whether the allegations against the applicant find prima facie support from the investigation papers and whether the applicant deserves protection from

arrest.

7.7. The material collected during investigation shows a sequence of events which cannot be ignored. There was an earlier allegation of molestation. The applicant is stated to have thereafter apologised for the same. Subsequently, on 31.07.2026, when the complainant was alone, the applicant is alleged to have again approached her and made obscene demands. The complainant thereafter informed her family members and subsequently approached the police.

7.8. The fact that the second incident is alleged to have occurred after the applicant had already apologised for the earlier incident is also relevant. It is not a case where the present allegation relates only to one incident. The investigation has brought on record the earlier conduct of the applicant, the subsequent apology and the allegation of similar conduct on 31.07.2026.

7.9. This Court has also considered the age of the applicant. The applicant is 70 years old. His age is certainly a relevant factor. At the same time, the complainant is a 21 year old woman and the allegations concern her being molested and thereafter being subjected to obscene demands. The age of the applicant alone cannot be a ground to grant anticipatory

bail when the material collected during investigation supports the allegations at this stage.

7.10. The Court is not expressing any final opinion on the truth of the allegations. The question of guilt or innocence will have to be decided at the appropriate stage on the basis of evidence. At present, the material available on record is sufficient to show that the allegations are required to be investigated in accordance with law.

7.11. In the case of *Siddharam Satlingappa Mhetre vs State Of Maharashtra, reported in (2011) 1 SCC 694*, the Hon'ble Court held that life and personal liberty are the most prized possessions of an individual but not at the cost of larger interest of society and public. The Hon'ble Apex Court in the case of *Jai Prakash Singh Vs State of Bihar & Anr. reported in 2012 4 SCC 379*, has been pleased to hold as under :

“Parameters for grant of anticipatory bail in a serious offences are required to be satisfied and further while granting such relief, the court must record the reasons therefore. Anticipatory bail can be granted only in exceptional circumstances where the Court is prima facie of the view that the applicant has falsely been enroped in the

crime and would not misuse his liberty.”

7.12. Considering the nature of the allegations, the sequence of the two incidents, the age of the complainant, the statement recorded under Section 183 of the BNSS, the statements of the witnesses, the material regarding the earlier incident and the apology allegedly given by the applicant, and the allegations regarding the incident dated 31.07.2026 and the other material collected during investigation, when considered together, provide prima facie material against the applicant. Hence, this Court is not inclined to exercise its discretion in favour of the applicant. Accordingly, this application is ***rejected***. Rule is discharged.

8. It is clarified that the observations made herein are tentative and confined to the consideration of the present application. The learned trial Court shall decide the case on its own merits without being influenced by any observation made in this order.

SRILATHA

(SANJEEV J.THAKER,J)