

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CRIMINAL MISC.APPLICATION (FOR ANTICIPATORY BAIL) NO. 21886
of 2026**

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VIVEK PRATAPRAY MAHETA
Versus
STATE OF GUJARAT

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Appearance:

MR P S DATTA(11324) for the Applicant(s) No. 1

MR TIRTHRAJ PANDYA, APP for the Respondent(s) No. 1

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CORAM:**HONOURABLE MR.JUSTICE SANJEEV J.THAKER**

Date : 21/09/2026

ORAL ORDER

*“Impersonation as a public officer is a serious act as it
misuses the authority attached to the office.”*

1. The allegation in the present case is that the applicant, along with the other accused, represented themselves as GPCB officers, went to the complainant's factory, recorded videos of contaminated water and demanded Rs.21,000/- for deleting the videos and photographs. The material collected during investigation indicates the presence and involvement of the applicant in the incident.

2. By way of the present application under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS), the applicant accused has prayed to release him on anticipatory

bail in the event of his arrest in connection with the FIR being C.R.No.11203025260608 of 2026 registered with Junagadh Taluka Police Station, Junagadh for the offences punishable under Sections 204, 308(6), 61(2)(a), 351(3), 319(2) and 112 of the Bharatiya Nyay Sanhita, 2023 ('BNS').

3. **RULE.** Learned APP waives service of notice for the respondent-State.

4. Learned advocate appearing for the applicant would submit that the applicant is not named in the FIR and is named on the basis of co-accused statement and there are no specific allegations against the present applicant of having demanded the amount, though he was seen sitting in the car in the CCTV footage and the present applicant is a genuine press reporter. He submitted that there is no recovery from the present applicant and the ingredients of the alleged offences are completely missing qua the present applicant and therefore, custodial interrogation of the applicant is not required. He submitted that the applicant will fully cooperate with the investigation and will not flee from justice. He, therefore, prayed that in view of the above, this application may be allowed and the applicant may be granted anticipatory bail.

5. Learned APP appearing for the respondent-state has opposed this application and submitted that two offences of similar nature are registered in two different police stations of Junagadh by two different complainants on the very same day. The co-accused who have been arrested and whose statements have been recorded, have stated that they, along with the present applicant, have impersonated themselves as GPCB officers and collected money from the complainants. He submitted that the co-accused who have been arrested have specifically named the present applicant in their statements. He, therefore, submitted that the custodial interrogation of the applicant is required to unearth the truth. Thus, it is argued to reject this application.

6. The Court has to consider the involvement of the accused in the alleged offence and as to whether prima facie it appears that accused has committed an offence, is required to be considered. So far as the anticipatory bail is concerned, 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 of 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. Learned advocate for the applicant has submitted that the applicant is a journalist and had gone to the factory of the complainant in his capacity as a journalist. It is submitted that the applicant had only recorded a video of the contaminated water coming from the factory and had thereafter uploaded the same. It is further submitted that neither the complainant nor the prosecution has alleged that the applicant himself demanded any money from the complainant and that the demand was made by the other accused. According to the applicant, therefore, his presence at the place of incident was only in connection with his work as a journalist.

7.1 The said submission, however, cannot be considered without looking at the other circumstances emerging from the

investigation. It is not in dispute that the applicant had gone to the factory along with the other accused in a car which belongs to his wife. The material collected during the investigation further indicates that the applicant was aware that the persons accompanying him were not officers of the Gujarat Pollution Control Board. Despite knowing this fact, he is alleged to have accompanied them when they represented themselves before the complainant as officers of the GPCB.

7.2 The statements of co accused Ajaybhai Jesingbhai Jadav and Hemantbhai Batukbhai Shekhwa are also relevant in this regard. Their statements indicate that all the accused had together planned to go to the factory, represent themselves as GPCB officers and record videos and photographs of the contaminated water. It is further stated that thereafter they demanded an amount of Rs.21,000/- from the complainant for deleting the photographs and videos. The statements further disclose that after the amount was received from the complainant, it was distributed amongst all the accused.

7.3 At the time of investigation, statement of co-accused provides clues to the investigating agency as to how to investigate the case and thereafter the Investigating Officer

has to collect evidence against the person who has been named as accused. In view of the said fact, there is no bar on considering the statement of the co-accused for investigation purpose, irrespective of the fact that the statement of the co-accused to police is not admissible in evidence before the Court, but police can certainly consider that statement as a clue while interrogating him further or other person arrested or interrogated during the course of investigation, as the said confession of co-accused gives a clue to the Investigating Authorities as to how to investigate the matter and against whom to investigate the matter. Therefore, in view of the aforesaid fact, the statement of the co-accused provides a clue for investigation and to unearth the truth, the statement of co-accused is required.

7.4 In the case of *Kalyan Chandra Sarkar v. Rajesh Ranjan Alias Pappu Yadav*, reported in (2004) 7 SCC 528, the Hon'ble Supreme Court has observed as under:

"The next argument of the learned counsel for the respondent is that prima facie the prosecution has failed to produce any material to implicate the respondent in the crime of conspiracy. In this regard he submitted that most of the witnesses have already turned hostile. The only other

evidence available to the prosecution to connect the respondent with the crime is an alleged confession of the co-accused which according to the learned counsel was inadmissible in evidence. Therefore, he contends that the High Court was justified in granting bail since the prosecution has failed to establish even a prima facie case against the respondent. From the High Court order we do not find this as a ground for granting bail. Be that as it may, we think that this argument is too premature for us to accept. The admissibility or otherwise of confessional statement and the effect of the evidence already adduced by the prosecution and the merit of the evidence that may be adduced hereinafter including that of the witnesses sought to be recalled are all matters to be considered at the stage of the trial.”

7.5 Therefore, at this stage, the fact that the applicant did not personally demand the amount cannot be considered by itself. The material collected during the investigation indicates his alleged association with the other accused from the beginning of the incident. His presence along with the other accused, his knowledge that they were not GPCB officers and

the use of a car belonging to his wife are circumstances which require consideration while examining his request for anticipatory bail.

7.6 The defence of the applicant that he had gone there only as a journalist and had recorded the video of the contaminated water is a matter which can be considered on the basis of evidence at the appropriate stage. At present, the statements of the co accused disclose his participation in the plan whereby they allegedly represented themselves as GPCB officers and obtained money from the complainant. The amount so received is also stated to have been distributed amongst all the accused.

8. Further, the accused have committed two similar type of offences on the same day, for which, two complaints are filed; one at Junagadh Taluka Police Station-the present one and one at Junagadh 'A' Division Police Station. On reading both the FIRs, the accused have planned the same modus operandi to extract money from the factory owners by threatening them to release the videos and photos showing that their factories release the contaminated water in the nala.

9. 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.”

10. At this stage, this Court is only required to consider whether the applicant deserves the extraordinary protection of anticipatory bail. Having regard to the specific allegations, the material collected during investigation, two offences of similar nature registered on the same day by two different complainants, this Court is of the view that the applicant does not deserve such protection.

11. Considering the material available on record, the specific circumstances connecting the applicant with the other accused, the nature of the allegations and two complaints of

similar nature filed on the same day by two different complainants at two different police stations, this Court is not inclined to grant the extraordinary protection of anticipatory bail to the applicant. The application therefore deserves to be rejected and is accordingly *rejected*. Rule is discharged.

12. It is made clear that the observations made in the present order are tentative in nature and should not affect the trial and/or other proceedings.

SRILATHA

(SANJEEV J.THAKER,J)