IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/CRIMINAL MISC.APPLICATION (FOR REGULAR BAIL - AFTER CHARGESHEET) NO. 17192 of 2026
With
R/CRIMINAL MISC.APPLICATION NO. 16991 of 2026

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GHANSHYAMBHAI VALLABHBHAI PAMBHAR
Versus
STATE OF GUJARAT

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Appearance:
MR AJ YAGNIK(1372) for the Applicant(s) No. 1
MR YN OZA, SR. ADVOCATE with MR JASH N PATEL(12983) for the Respondent(s) No. 1
MS SHRUTI PATHAK, APP for the Respondent(s) No. 1

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

Date : 12/08/2026

COMMON ORDER

Since present applications are filed by husband and wife seeking regular bail in connection with one common FIR and similar accusations being made, both these applications are heard, decided and disposed of by this common order.

[1.0] **RULE.** Learned APP waives service of Rule for the respondent – State of Gujarat.

[2.0] Present applications i.e. Criminal Misc. Application No.17192 of 2026 (Ghanshyambhai Vallabhbhai Pambhar) and Criminal Misc. Application No.16991 of 2026 (Asmitaben Ghanshyambhai Pambhar) are 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.11210056261003 of 2026** registered with **Dindoli Police Station, Surat City** for the offences punishable under Sections 212, 217(b), 318(4), 336(3), 338, 340(2), 61(2) and 3(5) of the Bharatiya Nyaya Sanhita, 2023 (for short

"BNS"); section 12(1)(b) of the Passport Act, 1967 and section 22 of the Immigration and Foreigners Act, 2025.

[3.0] Learned advocate Mr. A.J. Yagnik appearing on behalf of the applicants submits that applicants are husband and wife and are innocent and have been falsely implicated in the offence and arrested on 22.04.2026. The charge-sheet is already filed and now nothing is required to be recovered or discovered from the accused. Case is based on documentary evidence and maximum punishment prescribed for the offences alleged is 7 years and all the offences are triable by the Court of Magistrate. He has further argued that so far as allegation of forgery is concerned, present applicants filed Special Criminal Application (Quashing) No.8186/2026 wherein the coordinate Bench has been pleased to stay the implementation and operation of section 338 of the BNS vide order dated 29.07.2026 and since then interim relief is operating in favor of the present applicants. Hence, question of allegation of forgery is not applicable in the present offence. He has further submitted that so far as other offences i.e. section 212 of the BNS i.e. to furnish false information to public servant is concerned, said offence is bailable offence and punishment prescribed is fine or imprisonment of 6 months and for the offence under Section 217(b) of the BNS, punishment prescribed is one year and for section 318(4) of the BNS i.e. offence of cheating, punishment prescribed is 7 years. Further, under the Passport Act also, maximum punishment provided is upto 5 years and all the offences are triable by the Court of Magistrate.

[3.1] He has further submitted that as per the case of prosecution, present applicants are booked for the offence under the GPID Act for which trial is going on and pursuant to the bail granted to applicants in connection with the GPID Act, as a pre-condition, applicants were ordered to surrender their passports before the Court vide condition No.8(f) of the order dated 18.04.2022 passed in Criminal Misc. Application No.3049/2022 granting anticipatory bail to the applicants whereby it was directed that the

applicants shall not leave the country without permission of the concerned trial Court and if having passports, shall deposit the same before the concerned trial Court within a period of one week. It is alleged that though the passports were surrendered before the concerned trial Court, based on false disclosure, one application was filed by the applicants before the Dindoli Police Station stating that passports of applicants have been missed pursuant to which the Dindoli Police Station issued certificate based on which once again passport were re-issued in favor of the applicants and based on re-issued passports, applicants travelled abroad and in this regard, present offence is registered. He has further argued that so far as offence under the GPID Act and other offences are concerned, present applicants are released on bail. He has submitted that present applicants are having 5 past antecedents however, he is governed by the presumption of innocence unless proven guilty. He, therefore, submits that, considering the nature of the offence, the applicants may be enlarged on regular bail by imposing suitable conditions.

[4.0] Learned APP appearing on behalf of the respondent-State has opposed the present applications and requested to dismiss the present applications for regular bail on the ground that the applicants are having five past antecedents and if they are released on bail, possibility of tampering with evidence cannot be ruled out. It is further submitted that though the applicants were fully aware that they had deposited their passports with the concerned Court in compliance of the bail conditions, suppressing the said fact the applicants approached the Dindoli Police Station, Surat and managed to receive the certificate as regards missing of their passports and thereafter got re-issued passports and based on said re-issued passports, applicants travelled abroad. Hence, it is requested to dismiss the present applications looking to the nature and gravity of the offence.

[5.0] Learned Senior Advocate Mr. Y.N. Oza assisted by learned advocate

Mr. Jash N. Patel appearing for the original complainant has vehemently opposed the present applications based on the ground that the applicants are history-sheeters and having no regard either for Court or law. Initially, anticipatory bail was granted by the coordinate Bench of this Court relying on the Memorandum of Understanding (for short "MoU") entered into by the present applicants with 22 persons however, the applicants failed to comply with the conditions of the said MoU i.e. condition of Bank Guarantee of 2 Crore was flouted. Not only that, to come out from the litigation, new passports were got re-issued by the present applicants on the basis of certificate issued by Dindoli Police Station pursuant to the application filed by the applicants making false disclosure before the Dindoli Police Station that they have misplaced / lost their passports and they also travelled abroad which is nothing but overreaching the process of Court and such conduct alone is sufficient to reject the present applications.

[5.1] He has further submitted that conduct of the present applicants and his father is also required to be considered. Though MoU was filed at the time of securing anticipatory bail offering Bank Guarantee of Rs.2 Crore, to get out from the said condition, once again an application came to be filed by the father of the present applicant before the coordinate Bench for modification of the said condition and instead of Bank Guarantee, father of the applicant of CR.MA No.17192/2026 furnished property towards security which application was allowed by the coordinate Bench and permitted the applicant of CR.MA No.17192/2026 to offer the property instead of Bank Guarantee still however, the applicant tried to mislead the Court and approached the Court with malafide intention though the ownership of two properties offered towards security did not belong to the present applicant of CR.MA No.17192/2026 and overvalued properties having defective title came to be offered and misled the Court. Further, the said property was either sold out or gifted to the family members and undertaking or MoU executed earlier by way of the settlement was also not complied with and Court has taken note of the conduct of the father of the applicant of CR.MA

No.17192/2026 as well as the applicant and deprecated such conduct and Court was compelled to observe that the Court has gathered strong feeling that Court has shown sympathy to a wrong person. The said judicial notice and observations coupled with past antecedents of the applicants are enough to reject the present applications. Furthermore, learned Senior Advocate Mr. Oza appearing for the complainant has relied on the order passed by the coordinate Bench in Special Criminal Application Nos.2889/2025 and 2902/2025 wherein warrant issued under Section 70 of the CrPC came to be challenged and while rejecting the said petition, the coordinate Bench of this Court has taken note that the present applicants have adopted dilatory tactics in trial and derailed the smooth functioning of the trial and for six consecutive occasions the applicants remained absent and tried to avoid the proceedings and therefore, considering the non-availability of applicants – accused, the coordinate Bench observed that warrant under Section 70 of the CrPC was rightly issued and thus, rejected the said petition vide judgment dated 28.02.2025. He has therefore submitted that if the applicants are enlarged on regular bail, possibility of tampering with evidence cannot be ruled out and there is serious flight risk of the present applicants since the applicants are having five past antecedents amongst which one is under Section 306 of the IPC and one application for cancellation of bail of present applicants is also pending before the Rajkot Court. Hence, he has requested to dismiss the present applications.

[6.0] In rejoinder, learned advocate Mr. A.J. Yagnik appearing for the applicants has submitted that whatever allegations canvassed by the learned Senior Advocate for the original complainant are irrelevant so far as present bail applications are concerned and present applications are only in connection of offence registered with Dindoli Police Station, Surat and whatever submissions made by learned Senior Advocate Mr. Oza pertains to offence under the GPID Act pending with the Rajkot Court. He has also submitted that three different charge-sheets including supplementary

charge-sheet have been filed and three different cases are going on and in total 15 witnesses are examined in all three matters and even the applicants are ready and willing to abide by any stringent condition that this Court may deem fit. So far as compliance of MoU is concerned, learned advocate for the applicants upon instructions has submitted that applicants have complied with the order of depositing Rs.1.52 Crores by way of Bank Guarantee and Rs.50 lakh in cash has been deposited with the Court conducting trial of offence under the GPID Act at Rajkot.

[6.1] Further, so far as conduct of present applicants is concerned, he has submitted that whatever undertaking filed in the proceedings of anticipatory bail was given by the father of the applicant of CR.MA No.17192/2026, who is not before this Court. Even otherwise, order dated 25.04.2023 passed by the coordinate Bench in CR.MA No.1/2022 in SCR.A No.1692/2022 came to be challenged before the Hon'ble Supreme Court by way of filing Petition for Special Leave to Appeal (Cri.) No.6297/2023 and Hon'ble Supreme Court vide order dated 12.02.2024 was pleased to dispose of the said petition with certain directions which have already been complied with by the applicants. Hence, the order passed by the coordinate Bench *qua* relaxation / modification of bail condition has merged in the said order. Hence, the argument canvassed by learned Senior Advocate for the original complainant is not sustainable. He has further submitted that the judgment passed by the coordinate Bench dismissing the petitions being SCR.A Nos.2889/2025 and 2902/2025 filed by the applicants was also carried before the Hon'ble Supreme Court by way of filing Criminal Appeal Nos.2428/2025 and 2429/2025 wherein pursuant to the order dated 28.04.2025 passed by the Hon'ble Supreme Court, present applicants appeared before the concerned Court and warrant and proclamation became infructuous. Hence, both the orders relied upon by the learned Senior Advocate for the original complainant does not exist today. Further, submissions *qua* offence under Section 306 IPC is concerned, in the said offence, there are other 7 accused and deceased owed money to the

present applicant and hence, any observations made by the coordinate Bench in that case is not applicable to the present applications. Hence, he has submitted that considering the gravity of present offence and the fact that all the offences alleged in the present case are triable by the Court of Magistrate, he has requested to allow the present applications by imposing strictest conditions as may be deemed fit by this Court.

[7.0] 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.

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

[9.0] It is the case of the prosecution that against the applicants an FIR being CR No.11208053213096 of 2021 came to be registered with Rajkot Taluka Police Station for the offence under Sections 406, 409, 420, 114, 120(B) of the IPC and sections 3 and 4 of the GPID Act in connection with which the applicants were granted anticipatory bail vide order dated 18.04.2022 passed in Criminal Misc. Application No.3049/2022 passed by the coordinate Bench of this Court wherein condition No.8(f) was imposed and applicants were restrained from leaving India without permission of the concerned trial Court and also directed to deposit passports before the

concerned trial Court within a week pursuant to which the applicants deposited their passport bearing Nos.U8904600 and U890602 with the Rajkot Court in connection of the offence under the GPID Act.

[9.1] It is further the case that though both the applicants were aware that they have surrendered their passports with the Rajkot Court, suppressing the said fact, the applicants made an application before the Dindoli Police Station making a disclosure that they have lost their passports within the area of Dindoli Police Station, Surat and based on such false declaration and affidavit, the applicants received a certificate in that regard on 23.07.2024 based on which the applicants got re-issued new passports bearing Nos.C0165080 and C1061793 from Surat Regional Passport Office and thereafter, both the applicants visited Nepal and UAE and thereby the applicants have committed the breach of condition of anticipatory bail and in this regard, present offence is registered. After registration of the present offence, applicants came to be arrested and charge-sheet is filed.

[9.2] Present applicants have preferred petition being Special Criminal Application (Quashing) No.8186/2026 seeking quashing of the FIR registered with Dindoli Police Station, wherein the coordinate Bench vide order dated 29.07.2026 granted interim relief in terms of para 12(B) only *qua* offence under Section 338 of the BNS and hence, the proceedings *qua* offence under Section 338 of the BNS i.e. forgery of valuable security is stayed as a consequence of which, offence under Section 340(2) of the BNS i.e. using forged document as genuine one also remained inoperative.

[9.3] So far as other sections of BNS are concerned, they are punishable with maximum imprisonment of 7 years. Even, section 12(1)(b) of the Passports Act is also punishable with imprisonment upto 5 years and Section 22 of the Immigration and Foreigners Act, 2025 i.e. to secure travel document by furnishing fraudulent information is punishable with imprisonment upto 7 years and all the offences alleged against the present applicants are triable by the Court of Magistrate.

[9.4] So far as past antecedents are concerned, applicants are having five past antecedents but in all the offences, the applicants are released on bail and hence, unless and until proven guilty, applicants are governed by presumption of innocence.

[9.5] Learned Senior Advocate appearing for the original complainant as well as learned APP have drawn the attention of this Court *qua* conduct of the present applicants more particularly misleading statements made before and as noticed by the coordinate Benches of this Court but in one application, father of the present applicant was the petitioner and even otherwise both the orders passed by the coordinate Benches were carried upto Hon'ble Supreme Court and Hon'ble Supreme Court has passed orders and even otherwise, said observations were made by the coordinate Benches in connection of the proceedings under the GPID Act and the complainant has already approached the designated concerned GPID Act Court at Rajkot and application for cancellation of bail of the present applicants is pending before the learned Sessions Judge and therefore, this Court is not going to make further comment on the said aspect as said proceedings will take its own course.

[10.0] This Court has also considered the following aspects:

(1) Investigation is over and charge-sheet is filed;

(2) None of the offence alleged is punishable with life sentence or death penalty and are punishable with maximum imprisonment upto 7 years and is triable by the Court of Magistrate;

(3) Applicant – Asmitaben Ghanshyambhai Pambhar is a lady accused and both the applicants are behind the bars since 22.04.2026;

(4) There is nothing to be recovered or discovered from the applicants;

(5) Though the applicants are having past antecedents, they are

presumed to be innocent till proven guilty;

(6) Obviously commencement and conclusion of trial will take some time;

(7) So far as possibility and potentiality of applicants to tamper with evidence and flight risk is concerned, it may be taken care of by imposing stringent conditions and even otherwise, re-issued passports of the applicants are already confiscated and cancelled by the Passport Authority;

[11.0] 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.

[12.0] In the facts and circumstances of the case and considering the nature of the allegations made against the applicants 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 applicants on regular bail. Hence, the present applications are allowed. The applicants are ordered to be released on regular bail in connection with FIR being **C.R. No.11210056261003 of 2026** registered with **Dindoli Police Station, Surat City** on executing a **personal bond of Rs.5,00,000/- (Rupees Five Lakh Only) each with ONE SOLVENT SURETY of** the like amount to the satisfaction of the trial Court and subject to the conditions that they 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 15 days for a period of SIX months and thereafter once in every month from 1st to 5th of each English Calendar Month between 11.00 a.m. and 2.00 p.m. till the trial gets over;**

(f) furnish the ***copy of Aadhaar card, email ID/contact number / permanent and present address of their 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 applicants;

(h) regular attend the court proceedings and remain present before the concerned trial Court on each and every date of hearing;

[13.0] The authorities will release the applicants only if they are 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.

[14.0] 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.

[15.0] 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 in connection of the present offence while enlarging the

applicants on bail.

[16.0] The concerned Court before which application for cancellation of bail of the present applicants in connection with offence under the GPID Act is pending shall decide the same independently on its own merits without being influenced by any of the observations made in the present order.

[17.0] Rule is made absolute to the aforesaid extent in each of the applications. Direct service is permitted.

A copy of this order be placed in Criminal Misc. Application No.16991/2026.

(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 12/08/2026 15:15:05