

IN THE COURT OF 5th ADDITIONAL SESSIONS JUDGE, AHMEDABAD[R]

Criminal Misc. Application No.636 of 2026

Exh.

**Applicant/
Accused:**

Snehal W/o. Anilbhai Prembhai Rathwa

Age : 22 years, Occupation : Household,

Resident of : House No.36, New Vraj Society,

Opp. Bootbhavani temple, Vejalpur,

Ahmedabad.

Org. R/o.: Bariya Faliyu, Khatiyawad,

Khatiyawad village, Tal. Kwant, Dist. Chhota-Udepur.

(At present: in judicial custody)

VERSUS

Opponent :

1. The State of Gujarat

to be served through

Learned District Government Prosecutor

at District & Sessions Court, Ahmedabad.

2. The Original Complainant.

APPEARANCE

Learned Advocate for the applicant. : Mr. A. I. Dudhwala

Learned D.G.P. on behalf of the State. : Mr. P. M. Trivedi

Subject : Application for regular bail under section 483 of Bharatiya
Nagarik Suraksha Sanhita.

JUDGEMENT

- (1) The present bail present application under Section 483 of Bharatiya Nagarik Suraksha Sanhita, seeking regular bail in connection with the FIR No.11191028240365/2024, lodged with Vejalpur Police Station, District Ahmedabad for the offence punishable u/s. 302, 450, 114, 120(B) of IPC, Section 3(2)(v), 3(2)(va) of Atrocity Act and Section 135(1) of G.P.Act.
- (2) The learned advocate for the applicant has submitted that this is the applicant's first application for regular bail and that she is a female aged 22 years, having no criminal antecedents. It is further submitted that the co-accused, namely Jignesh Rajput, has already been enlarged on bail, and therefore, the present applicant is entitled to the benefit of parity. It is also contended that the charge-sheet has already been filed by the police and, therefore, the applicant is no longer required for the purpose of investigation. The applicant has been in judicial custody since 25/06/2024. Learned advocate further submits that the case against the applicant is based solely on circumstantial evidence. It is pointed out that the alleged "dupatta" said to have been used in the commission of the offence has not been recovered by the investigating agency. It is also argued that there is a clear violation of the guidelines laid down by the Hon'ble Supreme Court in the recent

pronouncement in the case of ***Mihir Rajesh Shah v. State of Maharashtra***. In view of the aforesaid submissions and considering the material on record, it is prayed that the applicant be released on regular bail. Ld. Advocate for the applicant relied upon the judgments of ***Rahul @ Jon Jitubhai Patel V/s. State of Gujarat*** and ***Rameshbhai Batubhai Dabhi V/s. State of Gujarat***.

- (3) The learned DGP has submitted that the Ld. applicant cannot be granted bail because she is prime accused who conspired and invited other accused to kill her own husband. She may not be given any benefit of mercy as the applicant is of tender age or being a female. She has intentionally committed the murder hence she may not be given benefit of parity and bail.

Further the original complainant was duly served with the notice but the I.O. has informed the court that they have gone to their villages for celebrating Holi so not available at recent address. Hence the complainant was contacted by way of video calling by I.O. and that way, the complainant has submitted before the court on video-call that he has an objection if the bail may be granted to the applicant.

- (4) I have heard the arguments advanced by the learned advocates and have perused the affidavit filed by the Investigating Officer. I have also examined the bail application along with the investigation papers

placed on record. The present application is the applicant's first request for regular bail. The applicant is a female and the investigation has already been completed. As per the affidavit of the Investigating Officer, the applicant has no criminal antecedents. Though the applicant is alleged to have played the role of a conspirator, it appears that she was not directly involved in the commission of the actual act of killing. Considering the nature of her role in comparison with that of the co-accused, the applicant is also entitled to the benefit of parity. In that case, if we consider the present bail application in context to settled parameters for consideration of bail such that whether there is any prima facie or reasonable ground to believe that the accused had committed the offence; nature and gravity of the accusation; severity of the punishment in the event of conviction, danger of the accused absconding or fleeing, if released on bail, character, behaviour, means, position and standing of the accused; likelihood of the offence being repeated; reasonable apprehension of the witnesses being influenced and danger, of course, of justice being thwarted by grant of bail, etc. then I am of the opinion that bail may be granted to the applicant. Accordingly, I pass the following order:

-: O R D E R :-

- [1] The present Bail Application is hereby allowed.
- [2] The applicant/accused named Snehal W/o. Anilbhai Prembhai Rathwa,

is hereby ordered to be released on regular bail in connection with FIR No.11191028240365/2024, lodged with Vejalpur Police Station, District Ahmedabad for the offence punishable u/s. 302, 450, 114, 120(B) of IPC, Section 3(2)(v), 3(2)(va) of Atrocity Act and Section 135(1) of G.P.Act, on furnishing personal bond of Rs.50,000/- (Rupees Fifty Thousand Only) and surety of like amount of the applicant, before the trial Court subject to following conditions:

- (1) The accused shall regularly remain present before the Court during course of Trial.
- (2) The applicant/accused shall not take undue advantage of their liberty and they shall not indulge in to any kind of criminal activity. The accused shall not directly or indirectly give threat to complainant or any of the witnesses nor tamper with the evidence.
- (3) The applicant/accused shall furnish their permanent residential address along with proof and their contact number before the Court and to the I.O. of concerned Police Station and in case of any change therein, they shall immediately inform to the Police and shall declare their new address in writing before the Court at the earliest.
- (4) The applicant/accused shall not leave territory of India without prior permission of the court.

Copy of the order to be furnished to the concerned trial court and concerned police station.

Signed & Pronounced in the open Court today on this 18th day of March, 2026.

Date : 18/03/2026.

Place: Ahmedabad

R.R.Dave, PS

(Mr. Advait Surendra Vyas)
5th Additional Sessions Judge,
(Unique ID Code: GJ00709)