

	Received on	:	02/03/2026		
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GJJN200000912026	Decided on	:	07/03/2026		
	Duration		Years	Months	Days
		GJJN200000922026		0	0

**IN THE COURT OF 4th ADDITIONAL SESSIONS JUDGE,
VISAADAR.**

Exh. :

Criminal Misc. Application No. 48/2026

**Applicant: Roshanben @ Rajuben Gulabbhai
Jumabhai Agha**

Age: 42 years, Occupation: Household work,

Resident: Panikotha (Javantri),

Tal Talala, District Gir Somnath,

At present : District Prison, Junagadh.

Criminal Misc. Application No. 49/2026

**Applicant: Rasidaben w/o. Rafikbhai Lakha
d/o. Gulabbhai Jumabhai Agha**

Age: 24 years, Occupation: Household work,

Resident: Panikotha (Javantri),

Tal Talala, District Gir Somnath,

At present : District Prison, Junagadh.

Versus

Opponent: The State of Gujarat
Notice through,
District Government Pleader,
Visavadar.

Sub. : Regular Bail Applications under section 483 of B.N.S.S.

(Visavadar Police Station Crime Registration No.
11203070260083/2026 under section 108 and 54 of the
B.N.S.,2023)

Appearances:-

Ld. Adv. Mr. K.B.Joshi for the Applicant.
Ld. A.G.P. Mr. V.N.Madhak for the Opponent.

-: J U D G M E N T :-

1. These applications are filed by the applicants under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short "BNSS"), seeking their release on regular bail, as they were arrested on 26/02/2026 for the offence punishable under section 108 & 54 of B.N.S.,2023 registered with Visavadar Police Station vide C.R. No.11203070260083/2026 and since they have been in judicial custody for the said offence and as Ld. J.M.F.C. court has rejected their bail applications instituted vide Cr.M.A.36/2026 & 37/2026, hence the present applications are filed for seeking regular bail. It is further stated that this is their first bail application, complaint was lodged with one day delay

without mentioning reason thereof, looking to the complaint it will be framed by expert person to imprecate the accused in the present offence, allegations made in the complaint are false and fabricated, as per the complaint, complainant's daughter committed suicide due to physical and mental harassment by the accused persons, however, no prior complaint or application was ever made against the present applicants regarding any such harassment, which indicates that the story has been created later to falsely implicate the applicants. It is further stated that at the time of the alleged incident, the applicants were not present in the house or village, the post-mortem report also shows that no injuries were found on the body of the deceased, and the medical history given before the doctor does not mention any involvement of the applicants, the deceased and the applicants were living in the different villages, making the allegations doubtful. It is further stated that the applicants are 42-years and 24-years-old woman with family responsibilities, applicant Roshanben often suffering from illness, and both are residing permanently in village Javantri, Talala Taluka, where they own property. Therefore, it is prayed that they may be released on bail.

2. The brief case of the prosecution, in a nut shell, is that complainant's daughter committed suicide due to alleged mental and physical harassment by the accused.

3. The notice was issued to the otherside. Ld.A.G.P. representing the State, has appeared before this Court, and filed the affidavit of Investigating Officer vide Exh.-6 in both applications to resist the application.

4. At the time of arguments, the learned advocate for the applicant/accused mainly argued as per application at Exh.1 and further argued that deceased daughter of the complainant was residing separately from her matrimonial home, she committed suicide by hanging herself at her parental home, paranter uncle and his daughter has filed bail application vide Cr.M.A.48/26 and 49/26, the applicant-accused is about 45 years of age and has children, there is no prior criminal history of the applicant and there is no prima-facie case against the applicant accused. The Ld. Advocate applicant therefore prays to allow the present application.

5. The learned A.G.P. strongly opposed the application and relied on the affidavit of the Investigating Officer at Exhibit-6. It is submitted that marital life of the deceased was of about six

years and she was subjected to harassment from time to time. However, in view of the detailed contents mentioned in the affidavit, it is prayed to reject the present application.

6. I have heard the Ld.Advocate for the applicants/accused at length as well as Ld.A.G.P. for the State. I have also gone through the affidavit of Investigating Officer vide Exh.-6 of both applications and also gone through the papers of the Investigation carried out so far.

7. Considering the submissions made by both sides and the facts on record, and have carefully perused the record of the case, the FIR and the material placed before the Court.

8. Considering the submissions made by both sides and the material placed on record, this Court has carefully examined the allegations made in the First Information Report. At the outset, it is required to be noted that the allegations made in the FIR disclose the commission of a serious offence. As per the case of the prosecution, the marital life of the deceased was about six years and during the said period the deceased was allegedly subjected to harassment from time to time. It is further alleged that due to such harassment the deceased ultimately committed suicide. The nature and gravity of the allegations made against

the accused persons are serious. It is also pertinent to note that the investigation in the present case is still in progress and is at a preliminary stage. At this juncture, the Investigating Agency is in the process of collecting material evidence and recording the statements of the concerned witnesses. The Investigating Officer has also expressed an apprehension that if the applicants–accused are released on bail at this stage, there is every possibility that they may try to influence or threaten the witnesses or may tamper with the evidence. Such apprehension expressed by the Investigating Officer cannot be ruled out at this stage of the investigation.

9. Further, upon perusal of the FIR, it appears that the names of the accused persons are specifically mentioned in the complaint itself and specific allegations have been levelled against them. Therefore, at this stage, prima facie involvement of the applicants–accused in the alleged offence appears from the record. At the stage of consideration of bail, this Court is not required to conduct a detailed examination of the evidence, however the material available on record indicates prima facie involvement of the accused.

10. Considering the seriousness of the allegations, the stage of

investigation, and the possibility of the applicants influencing witnesses or tampering with the evidence, this Court is of the opinion that it would not be appropriate to exercise discretionary powers in favour of the applicant at this stage. In view of the aforesaid facts and circumstances and considering the material available on record, this Court is not inclined to grant bail to the applicants. Hence, following final order is passed.

-: O R D E R :-

1. The applications, preferred by the applicants-accused, **(1) Roshanben @ Rajuben Gulabbhai Jumabhai Agha & (2) Rasidaben w/o. Rafikbhai Lakha d/o. Gulabbhai Jumabhai Agha**, for regular bail under Section 483 of B.N.S.S. in connection with the offence registered with Visavadar Police Station Cr.Reg.No.11203070260083 /2026 are hereby **rejected**. Copy of this order be kept with Cr.M.A. No. 49/2026.

Signed and pronounced in the open Court, today on this **07th day of March, 2026.**

Date : 07/03/2026.
Place: Visavadar.

(Hetalkumar Vinodray Joshi)
4th Additional District &
Sessions Judge,
Visavadar.
[Code No:GJ00599]