

Received on	09	03	2026
Registered on	09	03	2026
Decided on	16	03	2026
Duration	YY	MM	DD
	00	00	07

IN THE COURT OF 8th ADDITIONAL SESSIONS JUDGE,
KACHCHH AT BHUJ

Criminal Misc. Application No. 326 of 2026

Ex.06

Applicant/accused person :-

ATARSINGH SUNDARSINGH POSATA,

Age 42, Occ. Pvt. Service,

Residing at 2174/1, Sector 45/C

Chandigarh,

V E R S U S

Opponents:-

THE STATE OF GUJARAT.

=====

Application U/s. 482 of BNSS for Anticipatory Bail.

=====

APPEARANCE:

Ld. Advocate for the Applicant/accused : Mr. H.C.Chaudhary

Ld. A.P.P. for the opponent State : Mr.P.V.Vania

=====

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

1. The applicant has preferred the present application seeking Anticipatory bail U/s 482 of the Bhartiya Nagrik Suraksha Sanhita (BNSS) in connection with F.I.R. bearing C.R.No. 11205013260106/2026 registered with Mankuva Police Station for the offences punishable under Sections 306, 114

of Indian Penal code.

2. The notice was issued to the opponent and Ld. A.P.P. has appeared for opponent. The investigating officer has submitted his affidavit vide Exh.5

Submission on behalf of Applicant-accused.

3. Heard the Ld. Advocate for the accused-applicant. He has contended that there is no *prima facie* case against accused to book him in this case. He has submitted that, applicant has not abated to commit the suicide nor put any pressure upon deceased to commit the suicide. It is submitted that, applicant is doing service as General Manager of “The Villa Resort” and during the service period, the applicant has not given any abatement to commit suicide. It is submitted that, alleged offence has took place on 26.04.2024 whereas the FIR came to be lodged on 19.02.2026 i.e. almost 22 months later from the date of offence. It is submitted that, before suicide, the deceased had wrote suicide note wherein the name of the applicant is not mentioned nor any allegations has been charged against the applicant. It is submitted that, applicant has given assurance to abide all the conditions that may be imposed by the Court. It is submitted that, he has given assurance to co-operate with the investigation. The substantial investigation is over. He further submitted that no custodial interrogation of the present applicant-accused is required. It is first bail application filed by the applicant. In view of all these submissions, it is prayed for allowing

application for the bail.

Submission on behalf of State.

4. Heard the Ld. A.P.P. for the State. It is submitted that, there is strong prima facie case against the applicant/accused. It is submitted that, the investigation is still going on and if the applicant/accused is released on bail, it is likely that accused will not co-operate with the investigation. It is submitted that, in the suicide note, the name of the present applicant is clearly appears. It is submitted that, due to harassment by the applicant, the deceased has dragged to commit the suicide. It is submitted that custodial interrogation of accused is required for the purpose of complete investigation of this matter. On all these counts, it is prayed that present application is requires to be rejected.

Settled Legal Position

5. It is settled position of law that, while deciding bail application, two aspects in form of individual's liberty and social interest are required to be considered simultaneously. The object of bail is neither punitive nor preventive. The jurisdiction to grant or reject bail is to be exercised on the basis of well settled principles having regard to the circumstances of each case and not in arbitrary manner. It is also required to note that, at the time of deciding bail application Court is not required to appreciate and scrutinize the evidence in great detail, but Court is required to see prima facie case or involvement and relevant factors like

nature of offence, manner in which the offence has been committed, role or contribution and other authentic circumstances are required to be considered.

5.2 Hon'ble Apex Court in the case of **Siddharam Satlingappa Mhetre v. State Of Maharashtra And Others** reported in 2011 AIR SC 3813 has given the following parameters, while considering anticipatory bail application.

"112. The following factors and parameters can be taken into consideration while dealing with the anticipatory bail:

- (i) The nature and gravity of the accusation and the exact role of the accused must be properly comprehended before arrest is made;
- (ii) The antecedents of the applicant including the fact as to whether the accused has previously undergone imprisonment on conviction by a court in respect of any cognizable offence;
- (iii) The possibility of the applicant to flee from justice;
- (iv) The possibility of the accused's likelihood to repeat similar or other offences;
- (v) Where the accusations have been made only with the object of injuring or humiliating the applicant by arresting him or her;
- (vi) Impact of grant of anticipatory bail particularly in cases of large magnitude affecting a very large number of people;
- (vii) The courts must evaluate the entire available material against the accused very carefully. The court must also clearly comprehend the exact role of the accused in the case. The cases in which the accused is implicated with the help of Sections 34 and 149 of the Penal Code, 1860 the court should consider with even greater care and caution because over implication in the cases is a matter of common knowledge and concern;
- (viii) While considering the prayer for grant of anticipatory bail, a balance has to be struck between two factors, namely, no prejudice should be caused to the free, fair and full investigation and there should be prevention of harassment, humiliation and unjustified detention of the accused;

(ix) The court to consider reasonable apprehension of tampering of the witness or apprehension of threat to the complainant;

(x) Frivolity in prosecution should always be considered and it is only the element of genuineness that shall have to be considered in the matter of grant of bail and in the event of there being some doubt as to the genuineness of the prosecution, in the normal course of events, the accused is entitled to an order of bail."

Appreciation

6. Considering the facts of bail application as well as arguments advanced by the Learned Advocates of the respective parties, when the allegations of the FIR and the prosecution case is seen, it appears that, the suicide note as narrated in the FIR is making the prima allegations against the House-keeping H.O.D. Kuldeep and Human Resources madam and they have harrassed him a lot and as such, the deceased has fallen ill and the deceased has passed two months with great difficulty and when the other staff, he was reoved from the service. As per the FIR accident death report No. 13/2024 is registered with Mankuva Police Station. On perusal of the FIR, it appears that, the alleged incident took place on 26.04.2024 whereas the FIR came to be lodged in 19.02.2026 i.e. almost 22 months later from the date of incident. The deceased was rendering his service as house keeping under Nyel Company and the applicant is serving as General Manager in "The Villa Resort". The allegations against that he has folded his hands and told they are not at fault. It appears that the deceased was not in the day to day contact with the present applicant and he was not direct subordinate to the applicant. It is not submitted that

the termination of the deceased was done at the behest of the present applicant. As per say of the prosecution, hand writing analysis of the suicide note is done. The alleged incident has taken place before two years and it is not submitted that the present applicant has threatened any witness and hence, it does not appear that applicant is likely to cause of any threat to the prosecution evidence. More so, the applicant has no past criminal antecedent. Considering the totality of the facts of this matter, this Court deems it fit to grant anticipatory.

7. In view of the foregoing discussions, powers under Section 482 of BNSS is required to be exercised in favour of the present Applicant/Accused. Hence, following order is passed;

-: ORDER :-

- The present Application under Section 482 of B. N. S. S. , for getting Anticipatory Bail for the Applicant/Accused **“ATARSINGH SUNDARSINGH POSTA”** is hereby **“Allowed ”**.
- It is hereby ordered that, in the event of arrest of the Applicant/Accused in connection with the case registered with Mankuva Police Station vide C.R.No. 11205013260106/2026 registered with for the offences punishable under Sections 306, 114 of Indian Penal Code, the present Applicant/Accused be released on bail, on executing a Personal Bond of Rs. 25,000/- (Rupees

Twenty Five Thousand only) with one surety of like amount to the satisfaction of the Investigating Officer, subject to the following conditions :

1. Applicant/Accused shall remain present before the Investigating Officer of concerned Police Station, Bhuj, on 20-03-2026 between 11.00 a.m. to 5.00 p.m. along with the Surety and Personal Bond, as ordered above, without fail, and he shall also join investigation as and when so required by Investigating Officer.
2. Applicant/Accused shall not take undue advantage of the liberty or abuse liberty.
3. Applicant/Accused shall not tamper with prosecution evidence or act in a manner injurious to the interest of prosecution.
4. Applicant/Accused shall not leave the territories of India without prior permission of the concerned Court.
5. Applicant/Accused shall deposit the Passport with the concerned Court within a period of seven days of this order, and if the Applicant does not possess passport, an affidavit to that effect shall be filed within a period of seven days before the concerned Court.
6. Applicant/Accused shall furnish address of his residence along with proof, and contact numbers at the time of executing Bond, and shall not change his residence or phone number without prior permission of the concerned Trial/ Magistrate Court.
8. **The prosecution shall be at liberty to pray for cancellation of bail if the Applicant commits breach of any conditions including the condition to co-operate in the investigation.**

- It is hereby made clear that the findings given and observations made, limited to the present application and will not have any bearing.
- Yadi be sent to the concerned Police Station and the concerned Learned Trial Court accordingly.

Signed and Pronounced in this open court on this 16th day of March, 2026.

Dt. 16/03/2026

(Tushar N. Khandhadiya)
8th Additional Sessions Judge,
Kachchh at Bhuj
Judge Code: GJ00953

/Vaghela/