



IN THE COURT OF 5th ADDITIONAL SESSIONS JUDGE,
AT RAJKOT

Criminal Misc. Application No. 2140 OF 2026
Exh.08

Kishan Ukabhai GamaraApplicant

V e r s u s

The StateRespondent

Appearance:-

Mr. C. D. Sankaliya, Ld. Advocate for the Applicant.

Ms. B.A. Ravesiya, Ld. APP for the State.

J U D G M E N T

1. Present bail application is filed under Section 483 of BNSS, seeking regular bail in connection with **FIR being CR.No.11208052260314/2026 dated 12.06.2026**, registered with **Bhaktinagar Police Station, Rajkot City** for offences punishable under **Sections 108 & 54 of BNS**.
2. On service of notice, Ld. APP has appeared and filed affidavit of Investigating Officer at Exh. 06.
3. Succinctly, marriage of deceased, Amit was solemnized with accused no. 1 about 17 years ago. Allegedly, three months prior to the incident, accused no. 1 left her matrimonial home and started residing with present applicant. Thereafter, applicant and accused no. 1 frequently called deceased and subjected him to

continuous mental harassment thus, causing severe mental distress, resulting in committal of suicide on 06.06.2026. Before the said incident, deceased allegedly recorded a video on his mobile phone, wherein he levelled allegations of mental harassment against the accused persons including applicant, particularly concerning his children, compelling him to commit suicide.

4. Ld. 11th Addl. Civil Judge and Judicial Magistrate First Class has rejected the bail application of applicant vide order dated 15.06.2026 passed in CRMA No. 3766/2026.
5. Ld. Advocate for applicant has submitted that the alleged incident occurred on 06.06.2026, whereas the FIR came to be lodged on 12.06.2026. Accused nos. 1, 3 & 4 have already been released on regular bail hence, applicant is also entitled for bail on the ground of parity. The applicant is in custody since 13.06.2026 amounting to pre-trial conviction thus, praying to release his on bail. In support, reliance is placed on following case-law: **Ramabhai Vajabhai Bharwad Vs. State of Gujarat (R/Criminal Misc. Application No. 2316 of 2022).**
6. Ld. APP has vehemently opposed the bail application, praying to reject the same as applicant having many past antecedents and the chargesheet is yet to be filed.
7. It appears from the case papers that deceased has named applicant in video seized vide Panchnama dated 12.06.2026 during investigation however, it also appears that both the deceased and accused no. 1 were staying

separately and for the past three months prior to the incident, accused no. 1 and applicant had been staying together. The issue as to whether the act of applicant was directly in proximity with committal of suicide, is a subject matter of trial which can not be looked into at this stage. Accused no. 1 - Reshmaben W/o. Amitbhai Mahebubhai Pathan has been released on bail by this Court vide order dated 23.06.2026 passed in CRMA No.2058/2026 hence, applicant having similar role in present offence, is entitled for bail on the ground of parity. Chargesheet is yet to be filed however, substantial investigation is over. It is also required to be noted that as per affidavit of Investigating Officer, applicant has 8 past antecedents however, he is not involved in any heinous offence. Hence, considering the ratio laid down in **Prabhakar Tewari Vs. The State of Uttar Pradesh (2020 11 SCC 648)**, this Court is of the view that each case is required to be decided on its own merits. Moreover, maximum punishment prescribed in alleged offence against applicant is upto 10 years imprisonment. Accordingly, following order is passed:

:: O R D E R ::-

1. Present Criminal Misc. (Reg. Bail) Application **No.2140/2026** under Section 483 of BNSS is hereby **allowed.**
2. Present applicant/accused persons is ordered to be released on bail in connection with **C. R. No.**

11208052260314/2026 dated **12.06.2026** registered with **Bhaktinagar Police Station, Rajkot city** for the offence punishable under **Sections 108, 54 of BNS** on furnishing his personal bond of **Rs. 25,000/- (Rupees Twenty Five Thousand Only)** and surety of like amount before the concerned Court, if she is not required in any other offence on the following conditions:-

C O N D I T I O N S

- (a) The applicant/accused shall not abuse his liberty and must not involve in any offence.
- (b) Shall co-operate with investigation and trial and make himself available before the concerned Investigating Officer and concerned Court on each date of hearing.
- (c) Shall not hamper investigation and trial in any manner nor shall directly or indirectly make any inducement, surety or promise to any witness so as to dissuade them from disclosing such fact to the Court or to any police officer.
- (d) Shall at the time of execution of bond, furnish the address to the concerned Court and concerned Investigating Officer and shall not change the residence till the final disposal of the case or till further order.
- (e) Shall not leave India without the prior permission of the Court and if holding a passport, shall surrender the same before the Trial Court

:5:

CRMA No. 2140 OF 2026

immediately.

(f) Yadi to be sent to the concerned Court and concerned Police Station.

Pronounced and signed in the open Court today on
2nd day of July, 2026.

Date : 02/07/2026

Place : Rajkot

(PRIYANKA AGARWAL)

5th Additional Sessions Judge
Rajkot

Unique ID Code No.GJ01597