



Admitted on	02	06	2026
Decided on	18	06	2026
	Dys	Mths	Yrs
Duration	16	--	--

**IN THE COURT OF ADDL. SESSIONS JUDGE, AT HIMMAT NAGAR,
DIST: S.K..**

Cri. Misc. Appli. No. 598/2026.

Exh. No.....

Applicant : 1. **Sanjaybhai Amrutbhai Patel,**
Age: 41, Occupation: Agriculture,

2. **Jonsan Kamleshbhai Patel,**
Age: 23, Occupation: Study,
Both Resident. Punsari,
Ta. Talod, Dist: S.K.
At Present : District Jail – Himmat Nagar, S.K.

Versus

Opponent : The State of Gujarat,
Notice through the DGP.
DGP. Office, Himmat Nagar, District-S.K..

Appearance: Applicant side - Ld. Advocate Shri. V. P. Barot
Opponent side - Ld. Ad.P.P Shri. V. S. Parmar

J U D G M E N T

1... The applicants – accused have filed the present application under sec. 483 of the BNSS to obtain the regular bail in connection with the offence

registered with Talod Police Station I. C. R. No. 112 090 492 60422 / 2026 under Sec. 108, 54 of BNS dated 22/05/2026.

This one is the first bail application has been preferred after the arrest.

2... In consistency with contentions made in the bail petition, Ld. Advocate for the applicants have reiterated, their entitlement to such bail on the basis of facts enumerated in the bail petition and submitted that the alleged offense is triable by this court, not punishable with death or life imprisonment and investigation is going on and they have not any criminal antecedents.

The applicant no. 1 is a 41 years, is engaged in agriculture work and applicant no. 2 is a 23 years and is engaged in study and are in jail since 22/05/2026.

As per the case of prosecution, Deceased's (Dipakbhai) son Avi eloped with Jinal being daughter of the accused side and so the accused side demanded to return their daughter and on failure to return, they tortured deceased to return their daughter. The marriage of the Avi-Jinal solemnized on 03/02/2026 and the same was got registered on 05/02/2026.

The complainant has filed the complaint with malafide intention. The whole case is a fabricated one. There is no prima-facie evidence available in this case that the applicant can be found guilty.

The present accused have been arraigned in the alleged offence as accused No. 1 and 4.

The Parents of the daughter have not been arraigned as accused.

The present applicant accused are distant relatives of the daughter.

The only allegation that they demanded to return the daughter.

On 15/05/2026, the other relatives of the Jinal went to deceased's home and demanded to return the daughter and verbal spat happened and so Deceased lodged complaint and police enlarged the all the accused on bail.

On 19/04/2026, the deceased made a video and viraled the same and thereby claimed that the relatives of Jinalben harasses him and they are responsible for the suicide if committed by him.

After 15/02/2026, no other incident has happened that may prompt him to commit suicide.

The accused side also filed a complaint against the deceased that he wants to trap us and so police enlarged him on bail.

The deceased tried to kill the accused no.5 Ansuyaben by driving a vehicle, But she survived the same attack and so she lodged a police complaint in Po. Sta. and so police came to arrest the deceased but the deceased became absconded and on the next date he committed suicide.

They have exercised their legal right available to them and there is no proximity between the act of so called torture and the suicide. The deceased did not seek any legal remedy for the alleged harassment.

The applicant have not subjected him to cruelty. They have been arraigned as an abettor and his role for alleged threat issued to the deceased.

They have neither threatened the victim nor called him by phone. the present applicants have a very limited role. There is no specific role has been attributed to the applicants.

The applicants have been falsely implicated due to the animosity, the applicants have been falsely implicated in the present case.

The incident occurred from 15/02/2026 to 21/05/2026 and FIR lodged in 22/05/2026. The FIR is a delayed one and no plausible explanation has been offered.

The offence under sec. 108 of BNS (IPC-306) is not made out. No cruelty has been subjected to the victim as alleged. The applicants have neither committed nor abetted any type of alleged offense.

It is also submitted that the applicants are local resident along with her family and engaged in the labour work and having responsibilities of family. It is also submitted that applicants are an innocent person and they will

cooperate the investigating agency and they will not flee away during the trial. Therefore, this one is a fit case for enlarging on bail. Hence, urged to grant the regular bail on the conditions as deem fit to Hon. Court.

3... The Ld. DGP/AdPP appeared on behalf of the opponent i.e. the state and has filed the affidavit of the Investigating Officer.

The victim/complainant side has made written representation and raised objections, and the same have been taken into consideration while deciding this application.

4... Raising a strong objection against granting the same application, Ld AdPP has submitted that prima-facie case has been established, prima-facie involvement has been revealed, there are serious allegations against the applicants – accused and the investigation is still going on and has casted a doubt that there is a possibility of tampering with evidence and hampering in investigation.

The Deceased's son Avi eloped with Jinalben being daughter of the accused side and so the accused side torture deceased to return their daughter.

It is, further, submitted that the present applicants have subjected the deceased to cruelty by giving harassment by threats and intimidation. There is a strong prima-facie case against the present applicants – accused.

The complaint has been lodged by the brother of the deceased. He has clearly stated the role and prima-facie involvement of the applicants.

Deceased has made a video before the suicide. Witnesses have stated that he was subjected to harassment by the accused side.

Jinalben being daughter in law of the deceased Dipakbhai lodged written complaint to DSP on 06/03/2026 and in the same complaint both the applicants have been shown as accused. Once again on 16/03/2026, Jinalben lodged written complaint to DSP, S.K. Both the couple preferred application

before Hon. H.C. to obtain police protection to stay in their village and they remained for 7 days with police protection.

They pressurised the Talati to declare that the marriage was not in accordance with the law. They caused a false complaint to be lodged through a witness of the marriage.

They are main accused and have abetted the offence alleged. They have been named in FIR.

Specific role has been attributed to the present applicants.

No delay in F.I.R. and the same can be said to be reasonable in view of the circumstances.

3 co-accused have remained absconded and are yet to be arrested.

No mini trial is to required be conducted at the stage of bail.

Looking to the role of the applicants and also the gravity of the offence, they are not entitled to be enlarged on bail. The investigation is at crucial stage and therefore, under the circumstances, has urged that application be rejected.

5... While dealing with the issue of which factors are required to be considered while deciding bail application, in a case of State of Uttar Pradesh v. Amarmani Tripathi, reported in 2005(8) SCC 21, the Hon'ble Apex Court held that "it is well settled that the matters to be considered in an application for bail are (i) Whether there is any prima facie or reasonable ground to believe that the accused had committed the offence (ii) nature and gravity of the charge (iii) severity of the punishment in the event of conviction (iv) danger of the accused absconding or fleeing, if released on bail (v) character, behavior, means, position and standing of the accused (vi) likelihood of the offence being repeated (vii) danger, of course, of justice being thwarted by grant of bail. Moreover, the Hon. Apex Court also held that while a vague allegation that the accused may temper with the evidence or witnesses may not be a ground to refuse bail, if the accused is of such character that his mere presence at large

would intimidate the witnesses or if there is material to show that he will use his liberty to subvert justice or tamper with the evidence, then bail will be refused.” The above laid down ratio is required to be kept in mind while exercising discretion to enlarge on bail.

6... Considering ratio laid down in the above judgments, the factors stated above in the present case and after perusing the police papers and affidavit of complainant, from the facts brought on record, it is undisputed that the alleged offence prima-faciely, appears to be triable by this court, the offence alleged is not punishable with death, or life imprisonment, investigation is going on and they have not any criminal antecedents.

It is pertinent to note that this court has ample powers to enlarge on bail and the court is required to assign reasons for allowing or disallowing the bail and not supposed to discuss in detail each and every point raised and deep appreciation of evidence is not required at this stage.

It appears that the applicant no. 1 is of 41 years and is engaged in agriculture work and applicant no. 2 is of 23 years and is engaged in study and are in jail since 22/05/2026.

As per the case of prosecution, as per the case of prosecution, Deceased's (Dipakbhai) son Avi eloped with Jinal being daughter of the accused side and so the accused side demanded to return their daughter and used abd words for the deceased and on failure to return, they tortured and harassed the deceased to return their daughter and due to the same, he committed suicide by hanging himself on the branch of the tree.

It is undisputed that the marriage of the Avi-Jinal solemnised on 03/02/2026 and the same was got registered on 05/02/2026.

It is also undisputed that on 19/04/2026, the deceased made a video and viraled the same and thererby claimed that the relatives of Jinalben harrases him and they are responsible for the suicide if committed by him, whereas the suicide has taken place on 21/05/2026.

It is also undisputed that On 15/05/2026, the other relatives of the Jinal went to deceased's home and demanded to return the daughter and verbal spat happened and so Deceased lodged complaint and police enlarged the all the accused on bail.

It is undisputed that the parents of the daughter have not been arraigned as accused and the present applicant accused are distant relatives of the daughter. The present accused have been arraigned as accused No. 1 and 4.

It is undisputed that and they have been named in FIR and deceased has made a video before the suicide.

So far as the animosity prevalent between the parties is concerned, On 15/05/2026, the other relatives of the Jinal went to deceased's home and demanded to return the daughter and verbal spat happened and so Deceased lodged complaint and police enlarged the all the accused on bail and the accused side also filed a complaint against the deceased that he wants to trap us and so police enlarged him on bail. Thereafter, the deceased tried to kill the applicant no.1 by driving a vehicle, But she survived the same attack and so she lodged a police complaint in Po. Sta. and so police came to arrest the deceased but the deceased became absconded and on the next date he committed suicide.

It appears that they have been named in FIR and the FIR has been lodged by the victim's brother and specific role has been attributed to him by the deceased victim herself.

It appears that Both the parties reside in the same village.

As per the prosecution, Jinalben being daughter in law of the deceased Dipakbhai lodged written complaint to DSP on 06/03/2026 and in the same complaint both the applicants have been shown as accused. Once again on 16/03/2026, Jinalben lodged written complaint to DSP, S.K. Moreover, Both the couple preferred application before Hon. H.C. to obtain police protection to stay in their village and they remained for 7 days with police protection.

It appears that 3 co-accused have remained absconded and are yet to be arrested.

It appears that the incident took place from 15/02/2026 to 21/05/2026 and FIR lodged in 22/05/2026 and it has been contended that the F.I.R. is delayed and no plausible explanation has been given by the complainant but looking at the facts and circumstances of the case, but no much value can be attached to such point at this stage.

But it is pertinent to note that the original dispute, between the parties, is the love marriage of Jinal with Avi, who eloped and conducted love marriage. There was a matrimonial dispute persisted between the deceased and the accused side. The incidence of such dispute, alleged to have been occurred since a long time i.e. till he committed suicide, but the suicide has been committed after the complaint lodged by the Accused no. 5 Ansuyaben.

It has been submitted that the only allegation that they demanded to return the daughter, but looking at the prosecution case there are other allegations of using bad /foul words for the deceased.

7... It has been contended that the deceased has made a video before the suicide but they have not subjected him to cruelty and they have exercised their legal right available to them and there is no proximity between the act of so called torture and the suicide. after 15/02/2026, no other incident has happened that may prompt him to commit suicide, the deceased did not seek any legal remedy for the alleged harassment, they have been been falsely implicated on the basis of the suspicion and no evidence that may lead to his conviction.

But it is pertinent to note that no deep appreciation of evidence is required at this stage.

However, from the facts brought on record, nothing reasonable has been produced on record to substantiate the fact so claimed and grounds set forth for relief sought and in absence of any such supporting material, it remained bare allegation and nothing else.

Perusal of the affidavit made by the investigation officer, investigation papers etc., reveals that there is a prima-facie involvement in the offence.

From the material of the prosecution, the offence under sec. 108 of BNS (sec. 306 of IPC) is prima-faciely made out.

8... Moreover, the applicant no. 1 is of 41 years and is engaged in agriculture work and applicant no. 2 is of 23 years and is engaged in study and are in jail since 22/05/2026, and are having family responsibility and substantial investigation against them has been completed.

It appears that the co-accused no. 5 namely Ansuyaben and accused 7 Sonalben have been enlarged on regular bail in CRMA No. 570/2026 by an order dated 08/06/26,, by this court/. and the role of the present applicant does appears to be at par *vis-a-vis* co-accused. So, the benefit of parity, is justified to be extended to the present applicant and they are also entitled to be enlarged on bail the ground of parity.

Moreover, prevailing circumstances suggest that no purpose would be served by incarcerating them pending entire the trial.

The same facts discussed above, requires due consideration and the same can't be overlooked or sidelined or disregarded while deciding this application and this case deserves a discretion to be exercised in favour of the applicants.

9... It is obvious that it will take considerably a long time to conclude the trial, and as such period being an indefinite one, such a factor should be considered positively while deciding the present bail petitions. Moreover, the fear expressed by the prosecution side, can be addressed by imposing suitable conditions.

10. The Applicant side has relied upon the judgment of Gohil Jyotiben Yogeshbhai & Others V/s. State of Gujarat, R/Cr.M.A. No. 8847/2024, decided

on 08/05/2024. Wherein Hon. Gujarat High Court exercised the discretion vested with and enlarged an accused on pres-arrest bail u/s 438 of Cr. P.C. In this case, it was also a case of suicide. I have gone through the above referred judgments relied upon. There cannot be a second opinion as to the *ratio decidendi* laid down in precedent referred above. But set of facts of this case and in the above referred precedent, is different altogether. Moreover, the discretion vested with this court under sec. 483 is not ousted in this judgment. Hence, judgments submitted by the applicant side, can't be applied to this case and hence, would not be helpful to them.

11. Moreover, in the light of the above said set of facts and circumstances, nature of offence as well as considering the provisions of punishment for the alleged offences committed by the applicants - accused, this case appears fit to exercise the discretion vested with, to enlarge the applicants - accused on bail subject to some stringent conditions and so far as the bail conditions are concerned the court has to strike balance between the personal liberty as well as the interest of prosecution. Hence, the following order is hereby passed.

ORDER

- [a] The present application is, hereby, allowed conditionally.
- [b] Each of the applicants – accused namely
 1. **Sanjaybhai Amrutbhai Patel,**
 2. **Jonsan Kamleshbhai Patel,**
- (c) is, hereby, enlarged on bail in connection with offence registered with Talod Police Station CR. No. 112 090 492 60422/2026, on furnishing personal bond for Rs. 50,000/- and with one local surety of like amount, subject to following conditions:-

Conditions:

1. Each applicant - accused shall not tamper with evidence in any manner and shall not act in a manner detrimental to the interest of the prosecution.
2. Each applicant - accused shall maintain law and order.
3. Each applicant shall duly co-operate in the investigation process.
4. Each applicant - accused shall produce a copy of proof of his identity as well as a copy of proof of address to the lower Court.
5. Each applicant – accused shall mark his presence before the concerned police station on the 1st & 15th date of calendar month till the filing of charge-sheet.
6. Each such Applicants accused, shall not enter in or not remain in Talod Taluka for 3 (three) months from the date of this order, except to mark the presence before the court or police station.

The bail bond be furnished before the Id. Magi. court concerned.

The Magi. court shall be at liberty to allow reasonable time to produce solvency certificate, if he same is required to be produced.

A yadi of this order be sent to the concerned Court and Police Station.

Read & Pronounced in the open Court.

Date : 18/06/2026
Himmat Nagar.
Pramod S. Goyal***

M. N. Shaikh. (GJ00611),
Addl. Sessions Judge, Himmat Nagar Dist: S.K..