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Decided on : 11.06.2026
Duration : YY. MM. DD.

**IN THE COURT OF PRINCIPAL DISTRICT & SESSIONS JUDGE,
SURAT.**

CRIMINAL MISC. APPLICATION NO. (After Charge-sheet) 3971/2026

Exh. _____

APPLICANT:

Pratikbhai Mukeshbhai Sidpara
Aged : 26 years, Occ. : Service,
Address : House No. 2, Gokuldham
Raw House, B/h Nayra Petrol Pump,
Velanjagam, Surat.

VERSUS

OPPONENT:

The State.

APPEARANCE:

Ld. Advocate Shri B. K. Vala for the Applicant,
Ld. DGP Shri N. L. Sukhadwala for the State.

APPLICATION UNDER SECTION 483 OF THE B.N.S.S.

:: ORDER ::

[1] The present application is preferred by the applicant - accused under the provision of **Section 483 of Bharatiya Nagarik Suraksha Sanhita (B.N.S.S.)**, for release of applicant - accused on bail in respect to arrest in offence registered with Utran Police Station, Surat, vide C. R. No. 11210065260329/2026 for the commission of the offences punishable under Sections 108, 85 and 54 of B.N.S.. The applicant - accused is in judicial custody since 04.03.2026. Hence, the present application.

[2] The case of the prosecution is to the effect that the present applicant along with his parents are alleged to have repeatedly engaged in verbal altercations, quarrels and disputes with the complainant's sister, who was the wife of the present applicant, regarding household chores and the preparation of meals. It is further alleged they subjected her to physical and mental cruelty and harassment, causing her distress and suffering, and thereby abetted and drove her to commit suicide. Thus, the accused are alleged to have committed the aforesaid offence.

[3] On being served with the process, the Ld. DGP appeared for the opponent - State and submitted the affidavit of the

Police Officer at **Exh. 5**, objecting the present application. Ld. Advocate Shri B. K. Vala has appeared on behalf of applicant - accused.

[4] The Ld. Advocate for the applicant has submitted that the applicant is totally innocent and has not committed the alleged offence. The applicant/accused has been falsely implicated in the alleged offence. It is further submitted that investigation of the offence is completed and charge sheet has also been filed in the alleged offence. It is submitted that the applicant and deceased were living together happily and there were no disputes between them. It is also submitted that the complaint was filed after a delay of 18 days, containing false and vague allegations and without furnishing any plausible explanation for such delay in filing the complaint. It is also submitted that no specific allegations have been made in the complaint against the applicant - accused. Moreover, the co-accused- Mukeshbhai Nanjibhai Sidpara and Urmilaben Mukeshbhai Sidpara have been released on regular by the Hon'ble High Court of Gujarat vide R/Cr.M.A No. 8530/2026 and 12111/2026 respectively, considering the same, on the ground of parity, the present application needs to be allowed. On these grounds, it is submitted that present application be allowed.

[5] *Per contra*, the Ld. DGP appearing on behalf of the State has vehemently opposed the application, contending that a serious offence has been registered against the applicant. It is further submitted that the present applicant have quarreled with, harassed and subjected the complainant's sister to physical and mental cruelty in relation to household matters, causing her distress and suffering and thereby abetting and driving her to commit suicide. It is further submitted that if the applicant be released on bail, there is a reasonable apprehension that he may influence witnesses or temper with the evidence. Therefore, considering the nature and gravity of the allegations, the application deserves to be rejected.

[6] Heard the Ld. Advocates for the rival sides and perused the record. It appears that co-accused- Mukeshbhai Nanjibhai Sidpara and Urmilaben Mukeshbhai Sidpara have been released on regular by the Hon'ble High Court of Gujarat vide R/Cr.M.A No. 8530/2026 and 12111/2026 respectively.

[7] At this juncture, it would be apt to refer the Judgment of Hon'ble High Court of Gujarat in case of ***Rameshbhai Batubhai Dabhi vs. State of Gujarat reported in 2011(3) GLR 1999***, wherein, in paragraph - 9, it is held as under:

"...That, in the set of facts and circumstances almost similar or identical, when superior courts exercise the powers either under Sections 438 or 439 of the Code, the subordinate Courts are duty bound to consider the same and apply if the same sets of facts are in existences and unless there being any extra ordinary circumstances or striking dissimilarities exist to deviate from the law of parity, the Courts below should consider the same in accordance with law."

[8] In addition, in the recent decision of the Hon'ble Supreme Court in the case of ***Sabita Paul Versus State Of West Bengal reported in 2024 (0) ALJEL-SC 73438*** the Hon'ble Apex Court has held that the grant of bail based on parity is not a claim of right; the same is well established; and, while applying this principle of parity, the Court is required, as was recently observed in ***Tarun Kumar v. Assistant Director Directorate of Enforcement, 2023 SCC OnLine SC 1486*** the Court is required to focus on the role attached to the accused whose application is under consideration.

[9] Further, in the case of ***Patel Vishnubhai Shivrambhai vs. the State of Gujarat*** reported in ***2004 (3) GLH 297***, the Hon'ble Gujarat High Court has reiterated the principle of parity and granted bail to the accused while considering the fact of release of similarly situated co-accused.

[10] Hence, the law is settled to the effect that when there is no striking dissimilarities to deviate the role perpetrated by the

applicant - accused and the co-accused (mother of applicant), who is released by the Hon'ble Court and also there is no other incriminating circumstance existing against the applicant - accused, the Court is mandated to adhere to the principle of parity and as such, the principle of parity is applicable to the present applicant - accused.

[11] Moreover, it appears that the applicant has been under judicial custody since 04.03.2026 and now the investigation of the offence is concluded and charge sheet has also been filed. No criminal antecedent of the applicant has been brought to the notice of this Court. Hence, taking into consideration the above facts so also keeping in view the fact that the co-accused have been released on bail, the present application deserves consideration and the following order is passed:

:: O R D E R ::

1. The present Criminal Misc. Application stands **allowed**.
2. The applicant **Pratikbhai Mukeshbhai Sidpara** is hereby ordered to be released on bail in connection with the offence registered vide C.R. No. 11210065260329/2026 with Utran Police Station, Surat on furnishing bail bond of **Rs. 25,000/- (Rupees Twenty**

Five Thousand Only) and a surety of the like amount, subject to following **conditions**.

3. The applicant shall :-

- (a) not leave the State of Gujarat without prior permission of the concerned Court.
- (b) surrender passport, if any, to the concerned Court within a week. If the applicant does not possess passport, shall file an Affidavit to that effect.
- (c) not take undue advantage of his liberty or misuse liberty.
- (d) not directly or indirectly make any inducement, threat or promise to any person acquainted with the fact of the case so as to dissuade him from disclosing such facts to the Court or any Police Officer or tamper with the evidence.
- (e) maintain law and order and not to indulge in any criminal activities.
- (f) furnish the documentary proof of complete, correct and present address of residence to the Investigating Officer and to the concerned Court at the time of executing the bond and shall not change the residence without prior permission of the concerned Court.
- (g) provide contact numbers as well as the contact numbers of the sureties before the concerned Court. In case of change in such numbers inform in writing immediately to the trial Court.

4. Bail bond be executed before the concerned Court.

5. Yadi of this order be sent to the all concerned.

Pronounced in open Court today on this 11th day of June, 2026.

Date : 11.06.2026

Place : Surat.

(Rahul Arunkumar Trivedi)

Sessions Judge, Surat.

Code No. **GJ01495.**

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