

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CRIMINAL MISC.APPLICATION (FOR ANTICIPATORY BAIL) NO. 873
of 2026****With****R/CRIMINAL MISC.APPLICATION NO. 4456 of 2026**

=====

RACHNA GUPTA (RACHNA WD/O VINOD KUMAR GUPTA)

Versus

STATE OF GUJARAT

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Appearance:

MR DIPESH D SONI(9996) for the Applicant(s) No. 1

MR. R. A. THAKKAR(15967) for the Respondent(s) No. 1

PRANAV DHAGAT, APP for the Respondent(s) No. 1

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CORAM:HONOURABLE MR.JUSTICE P. M. RAVAL**Date : 11/03/2026****ORAL ORDER**

1. *Rule.* Learned Additional Public Prosecutor waives service of notice of rule for respondent – State of Gujarat.

2. By way of these applications under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (*for short, “BNSS”*), the applicants have prayed for anticipatory bail in the event of arrest in connection with the FIR being C.R. No. 11191048250276 of 2025, registered with Sarkhej Police Station, District: Ahmedabad City for the offences alleged therein.

3. Learned advocate for the applicant in CRMA No. 873 of 2026 submitted that, except for her presence, no specific role is attributed to the applicant. It is submitted that the only

allegation against the applicant is that she remained present when the complainant had visited Varanasi, U.P., and when the family members had visited the office of the complainant. Apart from that, no other overt act is alleged against the applicant.

4. So far as CRMA No. 4456 of 2026 is concerned, it is submitted that the applicant is running a marriage bureau and had only introduced the prospective girl to the complainant. Except this, no other role is attributed to the present applicant. Learned advocate further submitted that the allegations are primarily against the wife and that the complainant and his advocate were allegedly threatened over the phone.

5. It is also submitted that the applicants do not have any past antecedents. Learned advocate further drew the attention of this Court to the order dated 19.01.2026 passed by this Court in CRMA No. 27571 of 2025, whereby the complaint qua Divya Singh, daughter of Ashutosh Singh, and the mother-in-law, namely Chandra, came to be quashed by consent.

6. Learned advocate for the applicants submits that the nature of allegations are such that custodial interrogation at this stage is not necessary. It is further submitted that the applicants will keep themselves available during the course of

investigation and trial also and will not flee from justice.

6.1 The learned advocate for the applicants further states that the applicants shall abide by all the conditions that may be imposed while granting anticipatory bail to the applicants. Accordingly, it is urged that this application may be allowed and to grant the anticipatory bail to the applicants.

7. As against this, the learned Additional Public Prosecutor appearing on behalf of the respondent – State has opposed grant of anticipatory bail looking to the nature and gravity of the offence and requested not to entertain this application.

8. Having heard the learned advocates appearing for the parties and perusing the papers available on record, it is incumbent upon the Court to exercise its discretion judiciously, cautiously and strictly in compliance with the basic principles laid down in plethora of decisions of the Apex Court on the point. It is well settled that, among other circumstances, the factors to be borne in mind while considering an application for bail are (i) the nature and gravity of the accusation; (ii) the antecedents of the applicant including the fact as to whether he 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; and (iv) where the accusation has been made with the object of injuring or humiliating the applicant by having him so arrested. Though at the stage of granting bail

an elaborate examination of evidence and detailed reasons touching the merits of the case, which may prejudice the case of accused, should be avoided. However, following aspects have been taken into consideration:

- a) prima facie it appears that, no overt act is attributed to the present applicants.
- b) complaint qua co-accused- Divya Singh came to be quashed.
- c) the applicants have no past antecedents;
- d) the learned advocate for the applicants has assured that the applicants will not flee from justice and would be available during investigation as well as the trial.

9. Considering the aforesaid aspects and the law laid down by the Hon'ble Apex Court in the case of ***Siddharam Satlingappa Mhetre v. State of Maharashtra and Others, reported in (2011) 1 SCC 6941***, wherein the Hon'ble Apex Court reiterated the law laid down by the Constitution Bench in the case of ***Shri Gurubaksh Singh Sibbia & Others, reported in (1980) 2 SCC 665*** and also the decision in the case of ***Sushila Aggarwal v. State (NCT of Delhi), reported in (2020) 5 SCC 1***, the Court is inclined to allow the present application.

10. In the result, these applications are allowed by directing that in the event of arrest/ appearance of the applicants in connection with the above-referred FIR, the applicants shall be released on bail on furnishing a personal bond of **Rs.10,000/- (Rupees Ten Thousand) each** with one surety of like amount **each** on the following conditions that applicants:

(a) shall cooperate with the investigation and make available for interrogation whenever required;

(b) shall 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 to any police officer;

(c) shall not obstruct or hamper the police investigation and not to play mischief with the evidence collected or yet to be collected by the police;

(d) shall remain present at the concerned Police Station on or before **30.03.2026** between 11.00 a.m. and 2.00 p.m. and the Investigating Officer shall ensure that no unnecessary harassment or inconvenience is caused to the applicants;

(e) shall at the time of execution of bond, furnish the address to the investigating officer and the court concerned and shall not change residence till the final

disposal of the case till further orders;

(f) shall not leave India without the permission of the Court and if having passport shall deposit the same before the trial Court within a week;

(g) It is open to the police or the investigating agency to move the learned trial Court for a direction under Section 483(2) of the BNSS to arrest the accused, in the event of violation of any term, such as absconding, non-cooperating during investigation, evasion, intimidation or inducement to witnesses with a view to influence outcome of the investigation or trial, etc.

10.1 At the trial, the Trial Court shall not be influenced by the *prima facie* observations made by this Court while considering the bail application.

11. It is made clear that this order of anticipatory bail does not in any manner limit or restrict the rights or duties of the police or investigative agency to investigate into the charges against the applicants who are granted pre-arrest bail.

12. Rule is made absolute to the aforesaid extent. **Direct service** is permitted.

MOHD SAIF ULLAH

(P. M. RAVAL, J)