

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

**R/CRIMINAL MISC. APPLICATION NO.19956 of 2025
(FOR ANTICIPATORY BAIL)**

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SUNITA MUKESHBHAI PATANI & ORS.

Versus

STATE OF GUJARAT

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Appearance:

MR PH BUCH(1018) for the Applicant(s) No. 1,2,3,4
NILAY V SUCHAK(8280) for the Applicant(s) No. 1,2,3,4
MR HARDIK SONI APP for the Respondent(s) No. 1

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CORAM:HONOURABLE MR. JUSTICE DIVYESH A. JOSHI

Date : 26/09/2025

ORAL ORDER

By filing present application, the applicants sought anticipatory bail in connection with the FIR produced at Annexure-A.

Learned advocate for the applicants has referred to the FIR and submitted that for the so-called incident of 05.08.2017, FIR has been lodged on 08.08.2017 against the applicants. He submitted that after registration of the FIR, the accused had preferred quashing petition being Special Criminal Application No.6882/2017 before this Hon'ble Court, wherein while issuing notice by an order dated 11.07.2017, the Coordinate Bench of this Court had stayed the proceedings, however subsequent on 02.09.2024, the said relief was modified permitting the concerned Investigating Officer to carry out investigation, however, the accused were protected by

this Hon'ble Court, however thereafter, the said quashing petition was withdrawn as this Hon'ble Court was not inclined to entertain the said application, therefore, the present application has been preferred. He referred to the FIR and submitted that absolute false allegations have been leveled against the accused, wherein the applicants are falsely implicated and there is no material and evidence available on record, which connect the applicants with the commission of crime. He submitted that the span of marriage of the applicant no.1 with the deceased is more than seven years and they are having child, whose responsibility is upon the applicant no.1 being mother. It is, therefore, urged that considering the above facts, the present application may be allowed by granting anticipatory to the applicants by imposing suitable condition.

On the other hand, learned APP has strongly objected the present application and submitted that from the investigation papers collected so far, the role of the applicants is clearly spelt out. He further submitted that in fact, before committing suicide, the deceased has recorded one video in his mobile, wherein he has stated in a very categorical terms that because of the constant mental and physical harassment meted out by the accused, he is committing suicide and the said mobile containing video was forwarded to FSL and the said fact is substantiated by the FLS report. Not only that, the investigation papers collected by the IO

clearly goes on to show the involvement of the applicants in the commission of crime. Lastly, he submitted that in the present case, because of the constant mental and physical harassment meted out by the accused, the deceased had left with no option but to commit suicide, which he had done, therefore, the applicants are involved in serious offence. It is, therefore, urged that considering the above facts, the present application may not be entertained.

Having heard the learned advocates appearing for the parties and perusing the investigation papers, it is equally incumbent upon the Court to exercise its discretion judiciously, cautiously and strictly in compliance with the basic principles laid down in a plethora of decisions of the Hon'ble 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 applicants 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 applicants to flee from justice; and (iv) where the accusation has been made with the object of injuring or humiliating the applicants by having him so arrested. Though at the stage of granting bail an elaborate examination of evidence and detailed reasons touching the merit of the case, which may prejudice the accused, should be avoided.

However considering the above facts, if the facts of the present case are carefully examined, in that event, it is found out that the deceased and the applicant no.1 married with each other, however after the marriage, the applicant no.1 and her family members i.e. other accused have started giving mental and physical torture to the deceased and it was meted out to such an extend, which would led the deceased to commit suicide and before committing suicide, the deceased had recorded video on his mobile specifically narrating the mental and physical harassment meted out to her, due to which, he is committing suicide. Thus, there is direct evidence against the applicants, which connected them with the alleged commission of crime. I have also considered the statements of the witnesses provided by learned APP during the course of hearing. Thus from the above facts of the case coupled with the investigation papers, the involvement of the applicants in the commission of crime is clearly found out.

I have considered the affidavit filed by the IO filed before the learned Judge concerned opposing the anticipatory bail application preferred by the applicants. In the said affidavit, the concerned IO has narrated the role played by the applicants in a very graphical manner as to how they have meted out mental and physical harassment to the deceased, which led him to commit suicide. I have also considered the findings given and conclusion arrived at by the learned Judge

while rejecting the bail application preferred by the applicants.

I have also considered the decisions of the Hon'ble Supreme Court with regard to the grant of bail, wherein specific observations have been made that the Court should be slow while dealing with the application for anticipatory bail and such powers can be exercised with due care and caution. Considering the said proposition of law, if the facts of the present case are examined, in that event, it is found out that serious allegations are leveled against the applicant. Therefore, this is not a fit case, where the discretion can be exercised.

For the foregoing reasons, having regard to facts and circumstances, peculiar to the instant case, as have been analyzed hereinabove, the applicants have failed to make out a special case for exercise of power to grant bail and considering the facts and parameters, necessary to be considered for adjudication of anticipatory bail, I do not find any exceptional ground to exercise its discretionary jurisdiction under Section 482 of the BNSS to grant anticipatory bail. More so, investigation is still going on in the present case. It is settled proposition of law that power exercisable under Section 482 BNSS, is somewhat discretionary in character and it is to be exercised with caution in exceptional cases.

Hence, the present applications seeking for anticipatory bail are hereby rejected.

(DIVYESH A. JOSHI, J.)

Gautam

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: GAUTAM G PATIL(HC00190), Principal Pvt. Secretary, at High Court of Gujarat on 26/09/2025 14:26:14