

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CRIMINAL MISC.APPLICATION (FOR SUCCESSIVE REGULAR
BAIL - AFTER CHARGESHEET) NO. 27364 of 2025**

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NIRU @ POOJA SOHANSINH JANAKSINGH YADAV

Versus

STATE OF GUJARAT

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Appearance:

DEVANSHI P MALKAN(9307) for the Applicant(s) No. 1

MR YASH K DAVE(10269) for the Applicant(s) No. 1

MS DIVYANGNA JHALA ADDITIONAL PUBLIC PROSECUTOR for
the Respondent(s) No. 1

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CORAM:HONOURABLE MR. JUSTICE NIRZAR S. DESAI**Date : 24/04/2026****ORAL ORDER**

1. Heard learned advocate Mr. Yash K. Dave for the applicant and learned APP Ms. Divyangana Zala for the respondent – State.
2. By way of this **Successive Bail** application filed under Section 439 of the Code of Criminal Procedure, 1973, the applicant is seeking release on regular bail in connection with the FIR being **C.R.No.11210046210142** of 2021 registered with Puna Police Station, District **Surat** for the offence punishable under Sections 302, 498(A), 201, 120B of Indian Penal Code and Section 3 and 4 of Dowry Prohibition Act.

3. Learned advocate for the applicant submitted that, the applicant is not involved in commission of offence as alleged in the FIR and therefore, looking to the role of the applicant and nature of the allegations, the applicant is required to be enlarged on regular bail by imposing suitable terms and conditions.
4. On the other hand, learned APP appearing for the respondent – State vehemently submits that, the offences, which have been charged, are serious in nature affecting the society at large and looking to the facts as well as the allegations made against the applicant, no discretion would be required to be exercised.
5. In the facts and circumstances of the case and considering the nature of allegations, this Court is of the opinion that, discretion is required to be exercised to enlarge the applicant on regular bail. This Court has considered the following facts while exercising discretion in favour of the applicant :-
 - (i) the applicant is in jail since 04.04.2022;
 - (ii) the investigation is over and the charge-sheet is filed;
 - (iii) Though the trial is ongoing and 37 out of 38 witnesses have already been examined,

the proceedings are not concluding as the remaining witness, Reshma, has not been traceable for a long time;

(iv) The Hon'ble Supreme Court has already considered the co-accused, viz. Sohansinh Janaksingh @ Mohabbatsingh Yadav, for grant of bail vide its order dated 29th October, 2025 in Criminal Appeal No. 4663 of 2025, and as the said accused is the father-in-law while the present applicant is the sister-in-law, the present applicant may also be granted bail on the ground of parity.

(v) The trial may take its own time to conclude, and the present applicant has already been in jail for four years and is a lady accused.

6. In view of the aforesaid facts, without discussing the evidence in detail, this Court, prima facie, is of the opinion that, this is a fit case to exercise the discretion and enlarge the applicant on regular bail. Hence, present application is allowed and the applicant is ordered to be released on regular bail in connection with the FIR being **C.R.No.11210046210142 of 2021** registered with **Puna Police Station, District Surat** on executing personal bond of Rs.10,000/- (Rupees Ten thousand only) with one surety of the like

amount to the satisfaction of the learned Trial Court and subject to the conditions that she shall;

[a] not take undue advantage of liberty or misuse liberty;

[b] not act in a manner injurious to the interest of the prosecution;

[c] surrender passport, if any, to the lower court within a week;

[d] not leave India without prior permission of the Sessions Judge concerned;

[e] furnish latest address of residence to the Investigating Officer and also to the Court at the time of execution of the bond and shall not change the residence without prior permission of the trial Court;

[f] mark her presence before the concerned police station in the first week of every month till the trial is over;

7. The Authorities will release the applicant only if the applicant is not required in connection with any other offence for the time being. If breach of any of the above conditions is committed, the Sessions Judge concerned will be free to issue warrant or take appropriate action in the matter. Bail bond to be executed before the learned Lower Court having jurisdiction to try the case. It will be open for the concerned Court to delete, modify and/or relax any of the above conditions, in accordance with law. At the

trial, learned Trial Court shall not be influenced by the observations of preliminary nature, qua the evidence at this stage, made by this Court while enlarging the applicant on bail.

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

(NIRZAR S. DESAI,J)

Pallavi