

(2025) 12 GUJ CK 0039

Gujarat High Court

Case No: R/Criminal Misc.Application (For Regular Bail - After Chargesheet) No. 19935 Of
2025

Arvindbhai Amaratbhai Parmar

APPELLANT

Vs

State Of Gujarat

RESPONDENT

Date of Decision: Dec. 16, 2025

Acts Referred:

- Bharatiya Nagarik Suraksha Sanhita, 2023-Section 483
- Bharatiya Nyaya Sanhita, 2023-Section 54, 108, 351(4)

Hon'ble Judges: Nikhil S. Kariel, J

Bench: Single Bench

Advocate: Swapnil H Chauhan, Divyangna Jhala

Final Decision: Allowed

Judgement

Nikhil S. Kariel, J

1. Heard learned advocate Mr. Swapnil H. Chauhan appearing on behalf of the applicant and learned Additional Public Prosecutor Ms. Jhala appearing on behalf of the respondent-State.

2. Rule. Learned APP waives service of rule on behalf of the respondent-State.

3. The applicant has filed this application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 for enlarging the applicant on Regular Bail in connection with FIR being C.R. No.11216022250207 of 2025 registered with Kalol Taluka Police Station, District Gandhinagar, for the offence punishable under Sections 108, 351(4) and 54 of the Bharatiya Nyaya Sanhita, 2023.

4. Learned advocate for the applicant would submit that considering the role attributed to the applicant, and nature of the allegation levelled, the applicant may be enlarged on regular bail. It is further submitted that since the charge-sheet is filed, no useful purpose would be served by keeping the applicant in jail for

indefinite period. It is further contended that the applicant is ready and willing to abide by all the conditions that may be imposed by this Court if released on bail.

5. As against the same, learned Additional Public Prosecutor appearing for the respondent State has vehemently objected to the grant of regular bail. Learned APP has submitted that looking to the nature of offence and the role attributed to the present applicant as coming out from the charge-sheet, this Court may not exercise the discretion in favour of the applicant and the application may be dismissed.

6. I have heard learned advocates appearing on behalf of the respective parties and perused the papers. Following aspects are considered:-

i. While the allegation is of an offence under Section 108 of the BNS, yet, it would appear that the allegations in the FIR, do not correspond to any incitement as required under the said provision.

ii. While it is alleged that the present applicant and wife of the deceased were having an extra marital affair and the applicant used to tell the deceased that he is having a relation with the wife of the deceased, yet, there is complete absence of any material whereby it could be alleged that the present applicant had committed an offence of abetment to suicide.

iii. From the reading of the FIR itself it becomes clear that the deceased had a fight with his wife, who was having an extra marital relationship with the present applicant and whereas it would appear that the present applicant did not have any proximate conversation with the deceased, which could be treated an incitement to suicide .

iv. The fact of the present applicant being in custody since 05.04.2025 and the charge-sheet having been laid.

This Court has taken into consideration the law laid down by the Honble Apex Court in the case of Sanjay Chandra v. Central Bureau of Investigation reported in [2012] 1 SCC 40.

7. In the facts and circumstances of the case and considering the nature of the allegations made against in the First Information Report, without discussing the evidence in detail, prima facie, this Court is of the opinion that this is a fit case to exercise the discretion and enlarge the applicant on regular bail.

8. Hence, the present application is allowed. The applicant is ordered to be released on bail in connection with F.I.R. registered as C.R. No.11216022250207 of 2025 registered with Kalol Taluka Police Station, District Gandhinagar, on executing a bond of Rs.10,000/- (Rupees Ten Thousand only) with one surety of the like amount to the satisfaction of the trial Court and subject to the conditions that he 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 the State of Gujarat without prior permission of the Sessions Court concerned;

[e] furnish the present address of residence to the I.O. and also to the Court at the time of execution of the bond and shall not change the residence without prior intimation to the I.O.;

[f] mark presence once a month for a period of six months before the concerned police station.

9. The Authorities will release the applicant only if he 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 Court concerned will be free to take appropriate action in the matter.

10. Bail bond to be executed before the 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.

11. At the stage of trial, the trial court shall not be influenced by any observations of this Court which are of preliminary nature made at this stage, only for the purpose of considering the application of the applicant for being released on regular bail.

12. The application is allowed in the aforesaid terms. Rule is made absolute to the aforesaid extent. Direct service is permitted.