IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/CRIMINAL APPEAL (REGULAR BAIL - AFTER CHARGESHEET) NO. 1936 of 2026

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AMANKUMAR ANILBHAI BHATIYA

Versus

STATE OF GUJARAT & ANR.

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Appearance:
MR DARSHAN A. DAVE(7921) for the Appellant(s) No. 1
MR ADITYA T PANCHOLI(13067) for the Opponent(s)/Respondent(s) No. 2
MR YUVRAJ BRAHMBHATT, APP for the Opponent(s)/Respondent(s) No. 1

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CORAM:**HONOURABLE MR. JUSTICE HASMUKH D. SUTHAR**

Date : 16/10/2026

JUDGMENT

[1.0] ADMIT. Learned APP waives service of notice of Admission for and on behalf of the respondent No.1 – State of Gujarat.

[2.0] Present appeal under Section 14-A of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 (hereinafter referred to as "Atrocity Act") challenging the judgment and order dated 15.07.2026 passed by the learned 9th Additional Sessions Judge, Surat in Criminal Misc. Application No.4919 of 2026 whereby the learned Judge rejected the application filed by the present appellant under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 seeking regular bail in connection with FIR being **C.R. No.11210004260798 of 2026** registered with **Amroli Police Station, District Surat** for the offences punishable under Sections 108, 115(2) and 54 of the Bharatiya Nyaya Sanhita, 2023 (for short "BNS"); sections 3(2)(v) and 3(1)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act (for short "Atrocity Act").

[3.0] Learned advocate for the appellant submitted that the

appellant is not involved in the commission of offence as alleged in the FIR and has been falsely enroped in the offence. Further, now the charge-sheet is filed and nothing is required to be recovered or discovered from the present appellant. Even, the co-accused i.e. mother in law of the deceased against whom main allegations of constant harassment to the deceased were made, has been released by the learned Sessions Judge and therefore, the appellant is required to be enlarged on regular bail by imposing suitable terms and conditions.

[4.0] *Per contra,* learned APP appearing for the respondent – State as well as learned advocate for the original complainant have vehemently opposed the present appeal and stated that there is *prima facie* evidence against the appellant and even, audio and video CD demonstrating constant harassment to the deceased are available. Further, the marriage span of deceased and present appellant was of 2 years and deceased was continuously harassed by the present appellant and other accused persons and if appellant is released on bail then there is no possibility to stand to trial by the appellant and there is possibility of tampering with the evidence, he has requested to dismiss the present appeal.

[5.0] I have given thoughtful consideration to the arguments canvassed by learned advocates for both the sides.

The allegation in the FIR is that accused persons including the present appellant, who is husband of the deceased, meted constant torture and harassment to the deceased due to which the deceased committed suicide. It is pertinent to note that investigation is over and nothing is required to be recovered or discovered from the present appellant as the charge-sheet is filed. Further, in view of the decision

of the Hon'ble Apex Court in the case of **Hitesh Verma vs. State** of **Uttarakhand** reported in **(2020) 10 SCC 710**, bar of section 18 of the Atrocity Act would not be applicable. In view of the above, if the appellant is not released on bail then it will be pre-trial conviction and considering the principle of bail is rule and jail is exception, present appeal deserves consideration with appropriate conditions. This Court has also taken into consideration the law laid down by the Hon'ble Apex Court in the case of **Sanjay Chandra Vs. Central Bureau of Investigation** reported in **(2012)1 SCC 40**. Further, the co-accused has been considered by the learned Sessions Judge and therefore, in view of decision of this Court in the case of **Ramesh Batubhai Dabhi vs. State of Gujarat** reported in **2011 (3) GLR 1150,** appellant is entitled to the benefit of parity.

[6.0] Hence, the present appeal is allowed. The impugned order dated 15.07.2026 passed by the learned 9th Additional Sessions Judge, Surat in Criminal Misc. Application No.4919 of 2026 is hereby quashed and set aside and the appellant is ordered to be released on regular bail in connection with FIR being **C.R. No.11210004260798 of 2026** registered with **Amroli Police Station, District Surat** on executing a personal bond of Rs.15,000/- (Rupees Fifteen Thousand Only) with one surety of the like amount to the satisfaction of the trial Court and subject to the conditions that the appellant 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 India without prior permission of the concerned trial court;
[e] mark presence before the concerned Police Station once in a

month for a period of six months between 11:00 a.m. and 2:00 p.m.;

[f] furnish the present 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 concerned trial court;

[h] shall not take undue advantage of liberty for prolonging the trial by taking unnecessary adjournment;

[7.0] The authorities shall release the appellant only if the appellant 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 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.

[8.0] At the trial, the Trial Court shall not be influenced by the *prima facie* observations made by this Court in the present order.

[9.0] Appeal is allowed accordingly. Direct service is permitted.

(HASMUKH D. SUTHAR, J.)

Ajay

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: AJAY CHANDRAN MENON(HC00939), PRINCIPAL PRIVATE SECRETARY, at High Court of Gujarat on 16/10/2026 17:40:23